MONTANA ADMINISTRATIVE REGISTER

2023 ISSUE NO. 2
JANUARY 27, 2023
PAGES 57-144

ISSUE NO. 2

The Montana Administrative Register (MAR or Register), a twice-monthly publication, has three sections. The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted. The Rule Adoption Section contains final rule notices which show any changes made since the proposal stage. All rule actions are effective the day after publication of the adoption notice unless otherwise specified in the final notice. The Interpretation Section contains the Attorney General's opinions and state declaratory rulings. Special notices and tables are found at the end of each Register.

Inquiries regarding the rulemaking process, including material found in the Montana Administrative Register and the Administrative Rules of Montana, may be made by calling the Secretary of State's Office, Administrative Rules Services, at (406) 438-6122.

Page Number

TABLE OF CONTENTS

PROPOSAL NOTICE SECTION

JUSTICE, Department of, Title 23

23-12-266 Notice of Proposed Amendment and Repeal - Fire Safety, Fireworks - International Fire Code - Additional Definitions. No Public Hearing Contemplated. 57-70

LABOR AND INDUSTRY, Department of, Title 24

24-171-42 (Board of Outfitters) Amended Notice of Public Hearing on Proposed Amendment and Repeal - Board of Outfitters. 71-72

LIVESTOCK, Department of, Title 32

32-23-334 (Board of Milk Control) Notice of Proposed Amendment – Milk Control Assessments. No Public Hearing Contemplated. 73-75

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

37-1013 Notice of Public Hearing on Proposed Amendment - Montana Tumor Registry. 76-78

Page Number

PUBLIC HEALTH AND HUMAN SERVICES, Continued

37-1015 Notice of Proposed Amendment - Laboratories That Conduct Analyses of Public Water Supplies. No Public Hearing Contemplated. 79-83

37-1018 Notice of Extension of Comment Period on Proposed Amendment – Updating Medicaid and Non-Medicaid Provider Rates, Fee Schedules, and Effective Dates. 84-85

RULE ADOPTION SECTION

EDUCATION, Title 10

10-58-272 (Board of Public Education) Notice of Adoption and Amendment – Professional Educator Preparation Program Standards. 86-130

SPECIAL NOTICE AND TABLE SECTION

Function of Administrative Rule Review Committee. 131-132

How to Use ARM and MAR. 133

Recent Rulemaking by Agency. 134-140

Executive Branch Appointees. 141-143

Executive Branch Vacancies. 144

BEFORE THE DEPARTMENT OF JUSTICE
OF THE STATE OF MONTANA

In the matter of the amendment of ARM 23.12.401, 23.12.406, 23.12.407, 23.12.408, 23.12.430, 23.12.431, 23.12.501, 23.12.502, 23.12.601, and 23.12.605 concerning fire safety, fireworks, and the International Fire Code and the repeal of ARM 23.12.603 concerning additional definitions	)	NOTICE OF PROPOSED AMENDMENT AND REPEAL NO PUBLIC HEARING CONTEMPLATED

TO: All Concerned Persons

1. On February 27, 2023, the Department of Justice proposes to amend and repeal the above-stated rules.

2. The Department of Justice will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Department of Justice no later than 5:00 p.m. on February 10, 2023, to advise us of the nature of the accommodation that you need. Please contact Dirk Johnson, State Fire Marshal, Fire Prevention and Investigation Section, Division of Criminal Investigation, Department of Justice, P.O. Box 991, Great Falls, Montana, 59403; telephone (406) 771-1510; fax (406) 791-2729; or e-mail dirk.johnson@mt.gov.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

23.12.401 DEFINITIONS Unless the context requires otherwise, the following definitions apply to the rules in ARM Title 23, chapter 12:

(1) "Building code" means the current version of the State Building Code adopted by the Department of Labor and Industry, Building ~~Codes~~ and Commercial Measurements Bureau, including the International Building Code as amended by administrative rule. Copies of the building code may be obtained from the ~~Building Codes Bureau of the Department of Labor and Industry, 301 South Park, Room 430, P.O. Box 200517, Helena, MT 59620-0517~~ International Code Council at www.iccsafe.org.

~~(2) "Building official" means the chief of the Building Codes Bureau of the Department of Labor and Industry, or when made applicable by statute or rule, the building official of the certified city, county, or town.~~

(3) remains the same.

(4) "Chief," "fire chief," "fire marshal," and "fire prevention ~~engineer~~ officer" all mean the state fire marshal or, when made applicable by statute or rule or the context thereof, the chief official of the appropriate local fire protection agency.

(5) through (7) remain the same.

~~(8) "Explosive" means a chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. The term includes, but is not limited to, dynamite, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord, igniters, and display fireworks. See Chapter 2, Section 202 - General Definitions 1.3 G (Class B, Special), International Fire Code, 2012 Edition.~~

~~(9) "Fire alarm system" means a system or portion of a combination system consisting of components and circuits arranged to monitor and annunciate the status of a fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals. This definition does not include single- and multiple-station smoke or heat alarms.~~

~~(10)~~(8) "Fire code" or "IFC" means the currently adopted edition of the ~~International Code Council,~~ International Fire Code (IFC), ~~2012 Edition,~~ as published by the International Code Council, ~~currently adopted by the~~ as modified by FPIS~~, and any additions thereto currently adopted by the FPIS~~. See ARM 23.12.601.

~~(11)~~(2) ~~"Fire department" and~~ "~~b~~Bureau of fire prevention" ~~are~~ is treated as referring to the FPIS of the Department of Justice or, when made applicable by statute or rule or the context thereof, to the appropriate local certified jurisdiction.

(12) remains the same, but is renumbered (9).

~~(13)~~(10) "Fire extinguishing system" means a fire ~~sprinkler~~ suppression system designed in accordance with nationally recognized standards that consists of an assembly of piping or conduits that conveys ~~water, foam or air with or without other~~ extinguishing agents to dispersal openings or devices to extinguish, control or contain fire and to provide protection from exposure to fire or the products of combustion. Included are underground and overhead piping, ponds, tanks, pumps, extra or special hazard applications and other related components or devices necessary for water supplies.

(14) remains the same, but is renumbered (11).

~~(15)~~(12) "Fire protection equipment" means the components of any fire alarm system, special agent fire suppression system, portable fire extinguisher, or fire extinguishing system.

(16) through (20) remain the same, but are renumbered (13) through (17).

~~(21)~~(18) "Mechanical code" means the latest edition of the International Mechanical Code (IMC) adopted by the Department of Labor and Industry. Whenever a provision of the mechanical code is incorporated within the International Fire Code by reference, such provision is hereby adopted for application to all buildings within the jurisdiction of the FPIS, unless the state fire marshal determines otherwise. Copies of the mechanical code may be obtained from the ~~Building Codes Bureau of the Department of Labor and Industry, 301 South Park, Room 430, P.O. Box 200517, Helena, MT 59620-0517~~ International Code Council at www.iccsafe.org.

(22) and (23) remain the same, but are renumbered (19) and (20).

(21) "Pyrotechnic article" means a pyrotechnic device, other than a device classed as fireworks, for use in the entertainment industry.

(22) "Pyrotechnic composition" means a chemical mixture that, upon burning, produces visible, brilliant displays, bright lights, or sounds.

(24) through (26) remain the same, but are renumbered (23) through (25).

(26) "Smoke alarm" means a single or multiple-station alarm, responsive to smoke. This is a general term that applies to self-contained smoke alarms that are not part of an automatic fire detection system.

(27) "Smoke detector" is a *listed* device that senses visible or invisible particles of combustion that activates a fire alarm system.

(27) remains the same, but is renumbered (28).

AUTH: 50-3-102, MCA
IMP: 50-3-102, MCA

REASON: The Building Codes Bureau title changed and this bureau does not provide copies of the building code. The appropriate version of the International Building Code must be purchased from the International Code Council. The definition for "Building Official" was moved and added to ARM 23.12.601. The term "engineer" in the fire service is the title given to drivers of fire apparatus. "Officer" is a more appropriate term when describing an individual that enforces rules, codes, and regulations. The definitions for "Explosive" and "Fire Alarm System" are given in Section 202 of the 2021 IFC. Changes make the "Fire Code" paragraph clearer and add the reference to ARM 23.12.601 which adopts the appropriate version of the IFC. The definitions for "Pyrotechnic Articles" and "Pyrotechnic Composition" as used in ARM 23.12.501 and 23.12.502 were added. The definitions for "Smoke Alarm" and "Smoke Detector" as used in ARM 23.12.406 were added. Jurisdictions that perform the duties of inspection and prevention must be certified by the State Fire Marshal. To indicate that any fire department can perform these functions would be false. There are many different types of fire extinguishing systems utilizing different mediums to extinguish a fire. Portable fire extinguisher was added as it is included as fire protection equipment. The appropriate version of the International Mechanical Code must be purchased from the International Code Council. With the addition and deletion of some definitions, some sections were renumbered.

23.12.406 SMOKE DETECTORS/SMOKE ALARMS IN RENTAL UNITS

(1) In accordance with the Residential Landlord and Tenant Act of 1977, either an approved smoke alarm or smoke detector, or both, shall be installed by the landlord in each dwelling unit rented to another person, in accordance with the provisions of Section 907 of the IFC.

~~(2) An approved smoke detector is a device that is capable of detecting visible or invisible particles of combustion, that emits an alarm signal, and that bears a label or other identification issued by an approved testing agency which inspects materials and workmanship at the factory during fabrication and assembly.~~

AUTH: 50-3-102, 70-24-303, MCA
IMP: 50-3-102, 70-24-303, MCA

REASON: There is a differentiation between smoke alarms and smoke detectors. This change describes them and refers to section 907 of the IFC for their proper installation.

23.12.407 CERTIFICATE OF APPROVAL FOR DAY CARE CENTERS FOR ~~13~~ 16 OR MORE CHILDREN (1) Any applicant for a license from the Department of Public Health and Human Services to operate a day care center for ~~13~~ 16 or more children under Title 52, chapter 2, MCA, must obtain a certificate of approval from the state fire marshal in accordance with this rule.

(2) through (4) remain the same.

(5) Day care centers shall also comply with the following additional requirements:

(a) A single, fixed space heater (wood, coal or fuel oil) may be used, provided it is properly installed and surrounded by a suitable barrier to prevent contact by children and is so located as to not obstruct egress. Installation shall be in accordance with the ~~Uniform Mechanical Code~~ various codes adopted by the Department of Labor and Industry.

(b) Portable unvented ~~oil-~~fueled heating appliances are prohibited.

(c) through (f) remain the same.

(g) In sleeping rooms, windows having a minimum of 5.7 square feet of clear, unobstructed opening shall be readily accessible for rescue or fire suppression, except the minimum net clear opening for grade floor windows shall be 5.0 square feet. Windows shall be capable of being opened from the inside without the use of tools or special knowledge. Clear opening shall not be less than 20 inches in width or 24 inches in height. The bottom of the window shall not be more than 44 inches from the floor.

(h) Every day care center shall provide operational smoke alarms or smoke detectors in locations designated by ~~the FPIS or chief fire official~~ IFC Section 907. Smoke alarms shall be tested at least every 30 days and a log of such tests maintained on the premises. Smoke detectors connected to a fire alarm system shall be tested in accordance with the IFC.

(i) through (8) remain the same.

AUTH: 50-3-102, 52-2-734, MCA
IMP: 50-3-102, 52-2-733, 52-2-734, MCA

REASON: Section 52-2-703, MCA, changed the number of children from 13 to 16 for day care centers. The Mechanical Code is not the only code that regulates the installation/use of space heaters. Portable heating appliances can be operated with several types of fuels that produce carbon monoxide, not just oil. The window opening statement was added as it is an exception in the 2021 IFC 1031.3.1. IFC Section 907 dictates where fire alarms or smoke detectors are required.

23.12.408 CERTIFICATE OF APPROVAL FOR COMMUNITY HOMES

(1) through (3) remain the same.

(4) Upon receipt of an application for certificate of approval, the fire marshal or a representative shall conduct an inspection of the community home, and shall promptly thereafter issue findings indicating whether the fire code and applicable rules ~~has~~ have been met.

(5) For purposes of determining compliance with the fire code, all community homes shall comply with the IFC ~~as adopted,~~ and with all other rules promulgated by the FPIS.

(6) and (7) remain the same.

AUTH: 50-3-102, MCA
IMP: 52-4-204; 53-20-307, MCA

REASON: Community homes not only have to abide by fire safety rules of the fire code but also safety rules as outlined in the MCA and ARM. It is implied that FPIS adopts a specific fire code.

23.12.430 SERVICE TAGS (1) through (5) remain the same.

(6) Stored pressure extinguisher tags must follow the guidelines listed in the National Fire Protection Association (NFPA) 10, ~~2010~~ currently referenced ~~E~~edition of the IFC, and include the information listed in (3).

(7) A blank tag shall be submitted for approval to the ~~department~~ state fire marshal at the time of application.

AUTH: 50-3-102, MCA
IMP: 50-3-102, MCA

REASON: By deleting the reference to 2010, the IFC edition adopted by FPIS in future years will eliminate the need to change this paragraph in the future. The state fire marshal shall be the approving individual for all service tags throughout the State.

23.12.431 RULES RELATING TO THE BUILDING CODE (1) A notice of adoption or amendment by the department of a rule relating to building and equipment standards covered by the state or a municipal building code must be signed by the director of the Department of ~~Commerce~~ Labor and Industry. Such rules "are effective upon approval of the Department of ~~Commerce~~ Labor and Industry and filing with the Secretary of State." 50-3-103~~(2)~~, MCA.

AUTH: 2-4-201~~(2)~~, 52-4-201(1), MCA
IMP: 50-3-103~~(2)~~, 50-39-107, MCA

REASON: The responsibility for building and equipment standards was transferred from the Department of Commerce to the Department of Labor and Industry. Earmarked MCA section references were removed per the Secretary of State's guidance.

23.12.501 RETAIL FIREWORKS SALE (1) through (11) remain the same.

(12) Portable heaters utilized in booths shall not have exposed heating elements.

(12) remains the same, but is renumbered (13).

~~(13)~~(14) All fireworks stands shall be subject to inspection by the ~~chief, or the chief's representative~~ FPIS, in accordance with the IFC. Violations shall be handled in accordance with 50-61-115, MCA. If immediate action is necessary to safeguard life and property, the ~~chief~~ FPIS may issue ~~an order to remedy in accordance with 50-62-102, MCA~~ a stop work order in accordance with IFC Section 113.

AUTH: 50-3-102~~(3)~~, MCA
IMP: 50-3-102~~(3)~~, MCA

REASON: Exposed heating elements provide an open ignition source. Sections (12) and (13) are renumbered. Bureau of Fire Prevention is treated as referring to the FPIS of the Department of Justice or, when made applicable by statute or rule or the context thereof, to the appropriate local certified jurisdiction. IFC Section 113 outlines stop work orders for work regulated by the IFC being performed that is dangerous or done in an unsafe manner. Earmarked MCA section references were removed per the Secretary of State's guidance.

23.12.502 FIREWORKS REPACKAGING, STORAGE, AND SHIPPING

(1) All buildings where fireworks are stored, opened for repacking, repackaged, or prepared for shipping shall conform to the provisions of the ~~2012~~ International Building Code and the IFC. Where those codes are silent, NFPA ~~pamphlet~~ 1124 (~~2006~~ currently referenced edition by the IFC) shall be applied.

(2) NFPA ~~pamphlet~~ 1124 (~~2006~~ currently referenced edition by the IFC), ~~which is~~ the code governing the manufacture, transportation, and storage of fireworks and pyrotechnic articles, ~~and which can be found in the National Fire Code (NFC),~~ is ~~hereby~~ incorporated by reference. Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169 and at www.NFPA.org.

AUTH: 50-3-102~~(3)~~, MCA
MP: 50-3-102~~(3)~~, MCA

REASON: By deleting the year, the need to change the reference to the IBC edition adopted by DLI in future years will be eliminated. NFPA documents are standards and are referenced by NFPA and the appropriate number. The adopted IFC references NFPA standards and the appropriate year edition. NFPA documents are standards and are referenced by NFPA and the appropriate number. The adopted IFC references NFPA standards and the appropriate year edition. By deleting the words "which is" the sentence is grammatically correct. The National Fire Code was changed to the International Fire Code and is redundant in the sentence. NFPA standards can be obtained on its website. Earmarked MCA section references were removed per the Secretary of State's guidance.

23.12.601 ADOPTION OF THE INTERNATIONAL FIRE CODE ~~(2012~~ (2021 EDITION) (1) The FPIS adopts and incorporates by reference the International Fire Code ~~2012~~ 2021 Edition (~~2012~~ 2021 IFC) with the additions and amendments enumerated in this subchapter. Copies of the IFC and related materials may be

obtained from the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, www.iccsafe.org.

(2) and (3) remain the same.

(4) ~~The building code adopted by the Building Codes Bureau of the Department of Labor and Industry controls design and construction in Montana. If there is any conflict between the construction standards in the IFC and construction standards set forth in the building code, the provisions of the building code control.~~

~~(a)~~ This code shall apply to new construction as required in the building code and existing conditions. Existing buildings shall be maintained in accordance with the building code in effect at the time of construction. However, where existing conditions or buildings ~~post~~ pose an imminent hazard or risk to public health and safety and are not, therefore, within the purview of the building code, the FPIS may take corrective action pursuant to the provisions of 50-61-101, et seq., MCA, and 50-62-101, et seq., MCA.

(5) through (5)(b) remain the same.

(c) The Permit sections of the following chapters are not adopted: 3, 5, 6, 9, 11~~-13~~, 12, 20-through 35, 37, 39, and 50-through 67.

(d) ~~108 Board of Appeals~~ 106 CONSTRUCTION DOCUMENTS is not adopted.

(e) ~~113~~ 107 F~~ees~~EES is not adopted.

(f) 108.2.1 Inspection requests is not adopted.

(g) 108.2.2 Approval required is not adopted.

(h) 108.3 Concealed work is not adopted.

(i) 111 MEANS OF APPEALS is not adopted.

~~(f)~~(j) 202 GENERAL DEFINITIONS~~.~~ is amended by adding or modifying the following definitions:

(i) BUILDING OFFICIAL. Add "The Chief of the Building and Commercial Measurements Bureau of the Department of Labor and Industry, or when made applicable by statute or rule, the building official of the certified city, county, or town."

(ii) FARM. A tract of land devoted to agricultural purposes.

(iii) FIRE DEPARTMENT. ~~-~~ Governmental ~~F~~fire agencies. Any fire department organized under Montana law under the jurisdiction of a city, county, state, fire district, or fire service area.

(iv) NATIONALLY RECOGNIZED STANDARDS. Includes, but is not limited to, any of the standards referenced in: NFPA; IFC 2021 edition, Underwriters Laboratories Inc. (UL); American Petroleum Institute (API); American Society for Testing and Materials (ASTM); and American National Standards Institute (ANSI).

(v) OCCUPANCY CLASSIFICATION. Group E, day care facilities.

(A) Fifteen or fewer children.

(B) Fifteen or fewer children in a dwelling unit.

(vi) RANCH. A tract of land devoted to agricultural purposes.

(vii) RURAL AREA. Those areas located three miles or more beyond (outside) the corporate limits of a Class 1 or Class 2 city, as defined in 7-2-4111, MCA, when the Class 3 city's population is more than 1,500 residents. In the case of any unincorporated place, city, or community, or town, the unincorporated place, city, community, or town, the unincorporated place, city, community, or town will be

considered rural if it has a population of less than 1,500 and a density of less than 800 persons per square mile, according to the most recent U.S. census.

(g) remains the same, but is renumbered (k).

~~(h) 308.2 Permits required - is not adopted.~~

(l) 311.6 Unoccupied tenant spaces in mall buildings. 2. and 3. are not adopted.

(m) 319.1 General. Add last sentence "Mobile food preparation vehicles manufactured prior to the adoption of this code shall comply with sections 319.3 and 319.4 on or before May 1, 2024."

(n) 319.10.3 Fuel gas systems is not adopted.

~~(i)~~(o) ~~405.2~~ 405.3 Delete section and replace with: "Frequency. Required emergency evacuation drills shall be held at the intervals specified in 20-1-402, MCA. There must be at least eight emergency evacuation/disaster drills held a year in a school. At least four of the drills must be fire exit drills. Drills must be held at different hours of the day or evening to avoid distinction between drills and actual disasters." In Table ~~405.2~~ 405.3, delete the word "monthly" from the Frequency column, applicable to Group E, and replace with "20-1-402, MCA."

(p) 407.5 Hazardous Materials Inventory Statement is not adopted.

(q) 407.6 Hazardous Materials Management Plan is not adopted.

(r) 407.7 Facility closure plans is not adopted.

~~(j) 603.4 Portable unvented heaters is adopted, but the "Exceptions" are not adopted.~~

~~(k) 603.4.1 Prohibited locations - is not adopted.~~

(s) 903.2.4.2 Group F-1 distilled spirits. Amend by adding the following paragraph: "Exception: An automatic sprinkler system is not required where a Group F-1 fire area used for the manufacture of distilled spirits is not more than one story above-grade plane, and not exceeding 2.500 square feet."

(t) 903.2.8 Group R. Delete and replace with the following:

(i) "An approved automatic sprinkler system installed in accordance with Section 903.3 shall be provided in all Group R buildings meeting any of the following criteria:

(A) nine or more transient guests or five or more transient guest rooms;

(B) nine or more occupants in other than dwelling units;

(C) five or more dwelling units; or

(D) more than two stories.

(ii) In lieu of the above-required automatic sprinkler system in buildings not more than three stories above the lowest level of exit discharge, each transient guest room may be provided with at least one door leading directly to an exterior exit access that leads directly to approved exits.

(iii) "Transient guest" for the purpose of this subsection shall mean an occupant who is primarily transient in nature, staying at one location for 30 days or less."

(u) 903.2.9.3 Group S-1 distilled spirits or wine. Amend by adding the following paragraph: "Exception: An automatic sprinkler system is not required where a Group S-1 fire area used for the bulk storage of distilled spirits or wine is not more than one story above grade plane, and not exceeding 2,500 square feet."

(v) 903.3.5 Water Supply. Amend by adding the following: "This subsection shall apply to buildings which are required by the International Building Code to be provided with an automatic fire extinguishing system and do not have access to an existing multiple user water supply system, such as a municipal water supply system or a private community water supply system, capable of providing the water supply requirements of National Fire Protection Association Standard for the Installation of Sprinkler Systems, 2019 edition (NFPA 13). Under such circumstances, water storage requirements may be modified by the building official. The modified design shall include sufficient storage onsite to operate the hydraulically remote area for the response time of the local fire department. Response time is the time from alarm to the time the fire department can apply water to the fire. Response time shall be established by the use of the formula T = 6.5 minutes (mobilization time) + 1.7 minutes/mile D (travel time), where T is response time, in minutes, and D is distance, in miles, from the fire station to the building. The modified water supply shall be sufficient to operate the system for the response time calculated above but not be less than 20 minutes. Water supply requirements shall be established by using the area/density method as defined in NFPA 13. A reduction in water storage of up to 50 percent, but not less than that required for a 20-minute supply is allowed. All automatic fire sprinkler system designs and components shall be in compliance with NFPA 13. When a modified water storage is allowed, the automatic fire sprinkler system must be equipped with a flow alarm, digital alarm communicator transmitter, and a fire department connection. The automatic fire sprinkler system shall be monitored by an approved central station in accordance with NFPA 72, National Fire Alarm Code, 2019 edition."

~~(l)~~(w) 903.6 Where required in ~~E~~existing buildings and structures ~~--~~ is not adopted.

~~(m)~~(x) 906.1 ~~Portable fire extinguishers - (1)~~ Where required. Exception ~~--~~ 1 is not adopted.

~~(n) 1008.1.9.4 Door operations. Adopted adding the sentence "Exit doors shall not be locked, chained, bolted, barred, latched, or otherwise rendered unusable. All locking devices shall be of an approved type."~~

(y) 1009.8 Two-way communication. Add "Emergency elevator communication equipment systems for the deaf, hard of hearing, and speech impaired, is amended as follows: Emergency elevator communication systems for the deaf, hard of hearing, and speech impaired. An emergency two-way communication system shall be provided in accordance with the provisions of ASME A17.1/CSA B44 and NFPA 72."

(z) 1010.2 Door operations. Adopted, adding the sentence "Exit doors shall not be locked, chained, bolted, barred, latched, or otherwise rendered unusable. All locking devices shall be of an approved type."

(aa) 1020.2 Construction. Amend by adding the following: "Upgrading of corridors in existing E occupancies serving an occupant load of 30 or more, may have walls and ceilings of not less than one-hour fire-resistive construction as required by this code. Existing walls surfaced with wood lathe and plaster in good condition or 1/2-inch gypsum wallboard or openings with fixed wired glass set in steel frames are permitted for corridor walls and ceilings and occupancy separations when approved. Doors opening into such corridors shall be protected by 20-minute

fire assemblies or solid wood doors not less than 1 3/4 inches (45 mm) thick. Where the existing frame will not accommodate the 1 3/4-inch-thick door, a 1 3/8-inch-thick solid bonded wood-core door or equivalent insulated steel door shall be permitted. Doors shall be self-closing or automatic closing by smoke detection. Transoms and openings other than doors from corridors to rooms shall comply with this code or shall be covered with a minimum of 3/4-inch plywood or 1/2-inch gypsum wallboard or equivalent material on the room side. Exception: Existing corridor walls, ceilings, and opening protection not in compliance with the above may be continued when such buildings are protected with an approved automatic sprinkler system throughout. Such sprinkler system may be supplied from the domestic water system if it is of adequate volume and pressure."

(ab) Table 1020.2 CORRIDOR FIRE-RESISTANCE RATING, R Occupancy, replace "Greater than 10" with "Greater than 8."

(ac) 1031.2 Where required. Amend as follows: "In addition to the means of egress required by this chapter, emergency escape and rescue openings shall be required in all sleeping rooms in Group R occupancies located in buildings that do not have an automatic sprinkler system and in the following occupancies:"

(ad) Table 1103.1 OCCUPANCY AND USE REQUIREMENTS. Amend to include "R" (required to comply) for Section 1103.9 under "E" Occupancy Classification column.

(ae) 1103.5 Sprinkler systems is not adopted.

(af) 1207.1.2.1 Communication utilities is not adopted.

(ag) 1207.10.4 Construction documents is not adopted.

(ah) 1207.10.5 Approved locations is not adopted.

(ai) 1207.10.7.5 Local staging. Delete words "when the permit is issued."

(aj) 2006.2 Airport fuel systems. Change NFPA 407 to NFPA 407-12.

(ak) 2006.3 Construction of aircraft-fueling vehicles and accessories. Change NFPA 407 to NFPA 407-12.

(al) 2306.2.3 Above-ground tanks located outdoors, above grade, is adopted. See 50-3-103, MCA, for modifications. In paragraph 4., change Section 5706.2 to ARM 23.12.605.

(o) and (p) remain the same, but are renumbered (am) and (an).

(ao) 3103.7 Inspections. Delete the word "permit." After Exception: delete the word "Permit."

(ap) 3104.2 Flame propagation performance testing and certification. In the first and last sentence of the paragraph, change the word "permit" to "approval."

(aq) 3105.5 Required documents. Delete the words "the fire code official and."

(ar) 3106.4.1 Public safety plan for gatherings. Delete the words "with the application for an operational permit as required by section 3106.2.2."

(as) 3201.3 Construction documents. In the first sentence, delete the words "and at the time of application for a storage permit." In the second sentence, change the words "storage permit" to "building permit."

(at) 3201.4 Fire safety and evacuation plan. Delete the words "at the time of permit application."

(au) 3504.3 Area reviews. In the first sentence, delete the words "while the permit is in effect" and delete the second sentence "Information shown on the permit

shall be verified prior to signing the permit in accordance with Section 105.5."

(av) 5001.6.1 Temporarily out-of-service facilities. Delete the words "maintain a permit and."

(aw) 5001.6.2 Permanently out-of-service facilities. Replace paragraph with "Facilities not monitored and inspected on a regular basis shall be deemed to be permanently out of service and shall be closed in an *approved manner*."

(ax) 5003.3.1.1 Records. Delete the words "by the permittee."

(ay) 5003.5 Hazard identification signs. Delete the words "in quantities requiring a permit and."

(az) 5307.4.1 Documentation. Change the words "with the application for permit" to "to the fire code official for approval."

(ba) 5503.1.1.1 Data submitted for approval. Delete the words "with the application."

~~(q)~~(bb) 5601.1.3 Fireworks - is not adopted and is replaced by Title 50, chapter 37, MCA.

(bc) 5601.2 Permit required. Replace section 105.5 with 50-37-107, MCA.

~~(r)~~(bd) 5601.2.2 through 5601.2.4.2 are not adopted and are replaced with Title 50, chapter 37, MCA.

~~(s) 5606.5.2.1 Smokeless propellant – is not adopted. The maximum quantities, storage conditions and fire protection requirements for gunpowder and ammunition stored in a building shall be as follows: Smokeless powder and small arms primers or percussion caps shall be in accordance with 50-61-120 and 50-61-121, MCA.~~

(be) 5606.5 through 5606.5.2.3 Display and storage in Group M occupancies are not adopted and are replaced with 50-61-120 and 50-61-121, MCA.

~~(t) 5606.5.2.3 Small arms primers – is not adopted. See 50-61-120 and 50-61-121, MCA.~~

~~(u) 5608 Fireworks Display is not adopted. See Title 50, chapter 37, MCA.~~

(bf) 5608.1 General. Add "and Title 50, chapter 37, MCA" at end of sentence.

(bg) 5608.2 Permit application. Delete words "Prior to issuing permits for a fireworks display." Add sentence "An application shall be submitted to FPIS a minimum of 15 days prior to the date of display."

~~(v)~~(bh) 5706.1 General. – In paragraph ~~numbered~~ 1., delete "farms and."

~~(w)~~(bi) 5706.2 Storage and dispensing of flammable and combustible liquids on farms and construction sites. Delete "farms and" from the heading~~,~~ and "on farms and rural areas and" from the paragraph. Add at the end of the paragraph "See ARM 23.12.605 for requirements of farms and rural areas."

~~(x) 3406.2.5.1(2) is not adopted.~~

(bj) 5706.2.5.1 Tanks with top openings only. Paragraph 2. is not adopted.

(bk) 5706.5.4.5 Commercial, industrial, governmental or manufacturing. Paragraph 1. is not adopted. Delete the first sentence in paragraph 3.

(bl) 5707.1.1 Approval required. Delete the words "first obtaining a permit and."

(bm) On page 80-12, Referenced Standards, change NFPA 407-17 to NFPA 407-12.

~~(y)~~(bn) Appendix B, - Fire Flows, - is adopted.

~~(z)~~ (bo) Appendix C, ~~-~~ Hydrants, ~~-~~ is adopted.

(bp) Appendix E, Hazard Categories, is adopted.

(bq) Appendix F, Hazard Ranking, is adopted.

(br) Appendix G, Cryogenic Fluids - Weight and Volume Equivalents, is adopted.

~~(aa)~~(bs) Appendix I, ~~-~~ Fire Protection Systems Non-Compliant Conditions, ~~-~~ is adopted.

AUTH: 50-3-102, MCA
IMP: 50-3-103, MCA

REASON: The department has adopted the International Fire Code (IFC), which is published every three years. The amendments to this rule are necessary to conform to the current edition of the IFC, add Montana specific rules, and promote consistency with the Building Code as adopted by the Department of Labor and Industry. The adopted 2021 edition of the IFC can be ordered from the ICC website. The 2017 edition of NFPA 407 requires a third overflow detection device that is economically unfeasible to small airports throughout Montana to retrofit their existing refueling vehicles. Keeping with the 2012 edition that requirement is not included. Through attrition in the purchasing of newer refueling vehicles eventually this requirement will be met. Appendixes are not mandatory unless adopted. Once adopted they become a requirement of the adopted IFC.

23.12.605 PROCESSES (1) Chapters 23~~, 56,~~ and 57 of the IFC are adopted with the following additions and amendment:

(a) through (h) remain the same.

(i) 2304.7 Locations of aboveground tanks. Aboveground storage tanks are not prohibited for private use on farms and ranches. EXCEPTION: Pursuant to 50-3-103~~(6)~~, MCA, there are no requirements regarding diked areas or heat actuated or other shut-off devices for storage tanks containing Class I or Class II liquids.

(j) 2304.7.1 Disposal of Tanks. Tanks shall be disposed of in accordance with the following:

1. Underground tanks shall be disposed of in accordance with American Petroleum Institute (API) 1604, Third Edition, March 1996, and the Department of Environmental Quality's underground storage tank requirements~~;~~.

2. All "unlisted" aboveground tanks which are no longer fit for continued service or which cannot be internally lined in accordance with nationally recognized standards, shall be disposed of in accordance with ~~API 2202, Third Edition, January 1991; and~~ nationally recognized standards.

3. API documents can be obtained from the American Petroleum Institute, ~~1220 "L" Street, N.W.~~ 200 Massachusetts Ave NW, Suite 1100, Washington, D.C. ~~20005~~ 20001-5571 or www.api.org.

(k) remains the same.

AUTH: 50-3-102, MCA
IMP: 50-3-102, 50-3-103, MCA

REASON: Chapter 56 of the IFC pertains to explosives and fireworks. API 2202 is an inactive document and not referenced in the 2021 IFC. Address has changed for API and can be ordered on its website. Earmarked MCA section reference was removed per the Secretary of State's guidance.

4. The department proposes to repeal the following rule:

23.12.603 ADDITIONAL DEFINITIONS

AUTH: 50-3-102, 50-61-102, MCA
IMP: 50-3-102, 50-61-102, MCA

REASON: This rule is being repealed because the definitions have been incorporated into ARM 23.12.601.

5. Concerned persons may submit their data, views, or arguments concerning the proposed actions in writing to: Dirk Johnson, State Fire Marshal, Fire Prevention and Investigation Section, Division of Criminal Investigation, Department of Justice, P.O. Box 991, Great Falls, Montana, 59403; telephone (406) 771-1510; fax (406) 791-2729; or e-mail dirk.johnson@mt.gov, and must be received no later than 5:00 p.m., February 24, 2023.

6. If persons who are directly affected by the proposed actions wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Dirk Johnson at the above address no later than 5:00 p.m., February 24, 2023.

7. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 25 persons based on 11 fire marshals throughout the state, 27 certified cities, and the number of small businesses in the state directly affected by these rules.

8. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 5 above or may be made by completing a request form at any rules hearing held by the department.

9. An electronic copy of this proposal notice is available through the Secretary of State's web site at http://sosmt.gov/ARM/Register.

10. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

11. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment and repeal of the above-referenced rules will not significantly and directly impact small businesses.

/s/ DAVID ORTLEY
David Ortley
Rule Reviewer

/s/ AUSTIN KNUDSEN
Austin Knudsen
Attorney General
Department of Justice

Certified to the Secretary of State January 17, 2023.

BEFORE THE BOARD OF OUTFITTERS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of ARM 24.171.401, 24.171.502, 24.171.520, 24.171.601, 24.171.602, and 24.171.701 and the repeal of ARM 24.171.505 pertaining to the Board of Outfitters	))))))	AMENDED NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT AND REPEAL

TO: All Concerned Persons

1. On December 23, 2022, the Board of Outfitters (board) published MAR Notice No. 24-171-42 regarding the public hearing on the proposed amendment and repeal of the above-stated rules, at page 2345 of the 2022 Montana Administrative Register, Issue No. 24. A public hearing was scheduled for January 13, 2023, at 9:00 a.m., via remote conferencing to consider the proposed amendment and repeal of the above-stated rules.

2. Due to unforeseen technical difficulties, the hearing was not held. Therefore, the board is issuing this amended proposal notice of public hearing and rescheduling the public hearing as shown below.

3. On February 17, 2023, at 9:00 a.m., a public hearing will be held via remote conferencing to consider the proposed amendment and repeal of the above-stated rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

a. Join Zoom Meeting, https://mt-gov.zoom.us/j/85108892213
Meeting ID: 851 0889 2213, Passcode: 398127
-OR-

b. Dial by telephone, +1 406 444 9999 or +1 646 558 8656
Meeting ID: 851 0889 2213, Passcode: 398127

The hearing will begin with a brief introduction by department staff to explain the use of the videoconference and telephonic platform. All participants will be muted except when it is their time to speak.

4. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Outfitters no later than 5:00 p.m., on February 10, 2023, to advise us of the nature of the accommodation that you need. Please contact Dan Ritter, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2244; Montana Relay 711; facsimile (406) 841-2305; or dlibsdout@mt.gov.

5. The rules proposed to be amended and repealed remain exactly as provided and published in the original Notice of Public Hearing on Proposed Amendment and Repeal for MAR Notice No. 24-171-42. The complete proposed rule changes can be found at https://boards.bsd.dli.mt.gov/_docs/out/24-171-42pro-arm.pdf.

6. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Outfitters, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to dlibsdout@mt.gov, and must be received no later than 5:00 p.m., February 24, 2023.

7. An electronic copy of this notice of public hearing is available at https://boards.bsd.dli.mt.gov/outfitters/. Although the department strives to keep its websites accessible at all times, concerned persons should be aware that websites may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing a website do not excuse late submission of comments.

8. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons wishing to have their name added to the list shall make a written request that includes the name and e-mail or mailing address of the person to receive notices and specifies the intent to receive notices of all board administrative rulemaking proceedings or a particular subject matter. The request must indicate whether e-mail or standard mail is preferred and may be sent or delivered to the Board of Outfitters, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to (406) 841-2305; e-mailed to dlibsdout@mt.gov; or by completing a request form at any rules hearing held by the board.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. Pursuant to 2-4-111, MCA, the board has determined that the rule changes proposed in this notice will not have a significant and direct impact upon small businesses.

11. Department staff has been designated to preside over and conduct this hearing.

BOARD OF OUTFITTERS
JOHN WAY, CHAIRPERSON

/s/ QUINLAN L. O'CONNOR
Quinlan L. O'Connor
Alternate Rule Reviewer

/s/ LAURIE ESAU
Laurie Esau, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State January 17, 2023.

BEFORE THE BOARD OF MILK CONTROL
OF THE STATE OF MONTANA

In the matter of the amendment of ARM 32.24.450 milk control assessments	)))))	NOTICE OF PROPOSED AMENDMENT NO PUBLIC HEARING CONTEMPLATED

TO: All Concerned Persons

1. The Board of Milk Control (board), which is administratively attached to the Department of Livestock, proposes to amend the above-stated rule.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m. on February 17, 2023, to advise us of the nature of the accommodation that you need. Please contact the Department of Livestock, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9321; TTD number: 1 (800) 253-4091; fax: (406) 444-1929; e-mail: MDOLcomments@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

32.24.450 MILK CONTROL ASSESSMENTS (1) Pursuant to 81-23-202, MCA, the following assessments are levied upon the Act licensees of this department for the purpose of securing funds to administer and enforce the Act.

(a) A fee of ~~$0.0475~~ $0.04300 per hundredweight, with no assessment for fees less than $5.00 per month, on the total volume of all milk subject to the Act produced and sold by a producer-distributor.

(b) A fee of ~~$0.02375~~ $0.02150 per hundredweight, with no assessment for fees less than $5.00 per month, on the total volume of all milk subject to the Act sold by a producer.

(c) A fee of ~~$0.02375~~ $0.02150 per hundredweight, with no assessment for fees less than $5.00 per month, on the total volume of milk subject to the Act sold by a distributor, excepting that which is sold to another distributor. If the distributor is foreign, the assessment must be paid either by the foreign distributor or by the import jobber.

(2) through (6) remain the same.

AUTH: 81-23-102, 81-23-104, 81-23-202, MCA
IMP: 81-1-102, 81-23-103, 81-23-202, MCA

REASON: The board proposes to amend the above-stated rule:

- to raise sufficient revenue to provide for the administration of Title 81, chapter 23, MCA, as proposed for Fiscal Year 2024; and
- to ensure assessments are commensurate with the costs as required by 81-1-102(2), MCA, while maintaining a reasonable cash balance in the related special revenue fund to ensure solvency.

The proposed amendments to ARM 32.24.450 would affect approximately 111 businesses licensed by the Milk Control Bureau.

The proposed assessment rates would decrease milk control assessment revenue by approximately $18,316.

4. The board intends to adopt the proposed amendment effective July 1, 2023.

5. Concerned persons may submit their data, views, or arguments in writing concerning the proposed action to the Executive Officer, Department of Livestock, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to MDOLcomments@mt.gov to be received no later than 5:00 p.m., February 24, 2023.

6. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments they have to the same address as in 5 above. The written request for hearing must be received no later than 5:00 p.m., February 24, 2023.

7. If the department receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a public hearing will be held at a later date. Notice of the public hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 11, based upon there being approximately 111 businesses licensed by the Milk Control Bureau that are currently operating.

8. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 5 above or may be made by completing a request form at any rules hearing held by the department.

9. An electronic copy of this proposal notice is available through the Secretary of State's web site at http://sosmt.gov/ARM/Register.

10. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

11. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Ken Bryan	/s/ Darcy Alm
Ken Bryan	Darcy Alm
Chair	Rule Reviewer
Board of Milk Control	Department of Livestock

Certified to the Secretary of State January 17, 2023.

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES
OF THE STATE OF MONTANA

In the matter of the amendment of ARM 37.8.1802 pertaining to the Montana tumor registry	)))	NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT

TO: All Concerned Persons

1. On February 16, 2023, at 2:00 p.m., the Department of Public Health and Human Services will hold a public hearing via remote conferencing to consider the proposed amendment of the above-stated rule. Interested parties may access the remote conferencing platform in the following ways:

(a) Join Zoom Meeting at: https://mt-gov.zoom.us/j/85970649589?pwd=TTRMRjNBelFwUjBUNVplK09VblU3UT09, meeting ID: 859 7064 9589, and password: 061771; or

(b) Dial by telephone: +1 646 558 8656, meeting ID: 859 7064 9589, and password: 061771. Find your local number: https://mt-gov.zoom.us/u/kdicgK7upy.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on February 2, 2023, to advise us of the nature of the accommodation that you need. Please contact Kassie Thompson, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail hhsadminrules@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

<u>37.8.1802 REQUIRED RECORDS, INITIAL ADMISSION AND TREATMENT</u>

(1) through (1)(q) remain the same.

(r) cumulative summary of all <u>first course</u> therapy directed at the subject tumor, including:

(i) through (z) remain the same.

<u>(2) As used in this rule, "first course therapy" includes all methods of treatment recorded in the treatment plan and administered to the patient before disease progression or recurrence.</u>

AUTH: 50-15-706, MCA
IMP: 50-15-703, MCA

4. <u>STATEMENT OF REASONABLE NECESSITY</u>

The department is proposing to amend ARM 37.8.1802 pertaining to data required to be submitted for cancer cases diagnosed or treated in Montana. The department is proposing to amend the rule to clarify that first course treatment, rather than all treatment, is required to be reported. First course treatment includes all therapies recorded in the treatment plan and administered to the patient before disease progression or recurrence. The requirement to report first course therapy aligns with nationally recognized standards for cancer surveillance data. Additionally, reporting of first course therapy is a requirement of the Centers for Disease Control and Prevention National Program of Cancer Registries, which is the primary source of funding for the Montana Central Tumor Registry. The proposed rule change is necessary to clarify the type of treatment information required to be reported under the rule.

Fiscal Impact

There is no fiscal impact anticipated due to this rulemaking.

5. The proposed rule changes are intended to be effective upon the day after the date of publication of the adoption notice.

6. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Kassie Thompson, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail hhsadminrules@mt.gov, and must be received no later than 5:00 p.m., February 24, 2023.

7. The Office of Legal Affairs, Department of Public Health and Human Services, has been designated to preside over and conduct this hearing.

8. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 6 above.

9. An electronic copy of this notice is available on the department's web site at https://dphhs.mt.gov/LegalResources/administrativerules, or through the Secretary of State's web site at http://sosmt.gov/ARM/register.

10. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

11. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ ROBERT LISHMAN
Robert Lishman
Rule Reviewer

/s/ CHARLES T. BRERETON
Charles T. Brereton, Director
Department of Public Health and Human Services

Certified to the Secretary of State January 17, 2023.

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES
OF THE STATE OF MONTANA

In the matter of the amendment of ARM 37.12.301, 37.12.316, 37.12.320, 37.12.338, 37.12.345, and 37.12.346 pertaining to laboratories that conduct analyses of public water supplies	))))))	NOTICE OF PROPOSED AMENDMENT NO PUBLIC HEARING CONTEMPLATED

TO: All Concerned Persons

1. The Department of Public Health and Human Services proposes to amend the above-stated rules.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on February 2, 2023, to advise us of the nature of the accommodation that you need. Please contact Kassie Thompson, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, MT 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail hhsadminrules@mt.gov.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

37.12.301 DEFINITIONS For the purpose of this subchapter:

(1) through (9) remain the same.

(10) "Environmental Protection Agency~~,~~ (EPA)" means the United States Environmental Protection Agency.

(11) and (12) remain the same.

(13) remains the same, but is renumbered (14).

~~(14)~~ (13) "Initial demonstration of analytical capability" means the procedure described in the method cited in 40 CFR part 136, appendix A, ~~July 1998 edition~~ as amended August 28, 2017, for chemistry analysis, used to determine a laboratory's accuracy and precision in applying an analytical method.

(15) and (16) remain the same.

(17) "Method detection limit" means the minimum concentration of a substance that can be measured and reported with 99% confidence that the analyte concentration is greater than zero as determined from analysis of a sample containing the analyte in a given matrix as described in 40 CFR part 136, appendix B, ~~July 2003 edition~~ as amended August 28, 2017.

(18) through (26) remain the same.

AUTH: 50-1-202, MCA
IMP: 50-1-202, 75-6-106, MCA

37.12.316 REISSUANCE OF LICENSE (1) through (3) remain the same.

(4) The department adopts and incorporates by reference the EPA laboratory certification manual (EPA 815-R-05-004, "Manual for the Certification of Laboratories Analyzing Drinking Water," January 2005), which contains criteria, procedures, and quality assurance standards required by the ~~Environmental Protection Agency~~ EPA that must be met by laboratories analyzing drinking water to determine compliance with the federal Clean Water Act and its rules. A copy of the manual may be obtained from the Department of Public Health and Human Services, Laboratory Services Bureau, 1400 Broadway, Cogswell Building, P.O. Box 4369, Helena, MT 59604-4369, telephone~~:~~ (406) 444-3444, or may be downloaded at the EPA web site: ~~www.epa.gov/safewater/methods/pdfs/manual_labcertification.pdf~~ https://www.epa.gov/dwlabcert/laboratory-certification-manual-drinking-water.

AUTH: 50-1-202, MCA
IMP: 50-1-202, 75-6-106, MCA

37.12.320 PROFICIENCY TESTING (1) through (4) remain the same.

(5) Results of proficiency tests must be within the control limits established by the EPA as specified in the EPA laboratory certification manual (EPA 815-R-05-004) "Manual for the Certification of Laboratories Analyzing Drinking Water," January 2005) for each analysis for which the laboratory requests approval.

(a) through (8) remain the same.

(9) The department adopts and incorporates by reference the acceptance limits for regulated parameters in chapter IV of the EPA laboratory certification manual (EPA 815-R-05-004, "Manual for the Certification of Laboratories Analyzing Drinking Water," January 2005), which contains the critical elements for chemistry that a laboratory must meet, including the acceptance limits required by the EPA for metals, inorganics, volatile organic compounds and synthetic organics in drinking water samples. A copy of chapter IV may be obtained from the Department of Public Health and Human Services, Laboratory Services Bureau, 1400 Broadway, Cogswell Building, P.O. Box 4369, Helena, MT 59604-4369, telephone~~:~~ (406) 444-3444, or may be downloaded at the EPA web site: ~~www.epa.gov/safewater/methods/pdfs/manual_labcertification.pdf~~ https://www.epa.gov/dwlabcert/laboratory-certification-manual-drinking-water.

AUTH: 50-1-202, MCA
IMP: 50-1-202, 75-6-106, MCA

37.12.338 LABORATORY EQUIPMENT AND SUPPLIES (1) through (4) remain the same.

(5) The department adopts and incorporates by reference the standards contained in the EPA laboratory certification manual (EPA 815-R-05-004, "Manual for the Certification of Laboratories Analyzing Drinking Water," January 2005) for sources of distilled, deionized water, or reagent grade water. A copy of the manual

may be obtained from the Department of Public Health and Human Services, Laboratory Services Bureau, 1400 Broadway, Cogswell Building, P.O. Box 4369, Helena, MT 59604-4369, telephone~~:~~ (406) 444-3444, or may be downloaded at the EPA web site: ~~www.epa.gov/safewater/methods/pdfs/manual_labcertification.pdf~~ https://www.epa.gov/dwlabcert/laboratory-certification-manual-drinking-water.

AUTH: 50-1-202, MCA
IMP: 50-1-202, 75-6-106, MCA

37.12.345 CRITICAL ELEMENTS FOR CHEMISTRY LABORATORY LICENSURE (1) through (4) remain the same.

(5) The department adopts and incorporates by reference chapter IV of the EPA laboratory certification manual (EPA 815-R-05-004, "Manual for the Certification of Laboratories Analyzing Drinking Water,"~~,~~ January 2005), which establishes qualifications for staff training and experience and conditions for approval of laboratories conducting chemical analyses of public drinking water. A copy of chapter IV may be obtained from the Department of Public Health and Human Services, Laboratory Services Bureau, 1400 Broadway, Cogswell Building, P.O. Box 4369, Helena, MT 59604-4369, telephone (406) 444-3444, or may be downloaded at the EPA web site: https://www.epa.gov/dwlabcert/laboratory-certification-manual-drinking-water.

AUTH: 50-1-202, MCA
IMP: 50-1-202, 75-6-106, MCA

37.12.346 CRITICAL ELEMENTS FOR MICROBIOLOGY LABORATORY LICENSURE (1) through (5) remain the same.

(6) The department adopts and incorporates by reference chapter V of the EPA laboratory certification manual (EPA 815-R-05-004, "Manual for the Certification of Laboratories Analyzing Drinking Water,"~~,~~ January 2005), which establishes qualifications for staff training and experience and conditions for approval of laboratories conducting microbiological analyses of public drinking water. A copy of the above chapter V may be obtained from the Department of Public Health and Human Services, Laboratory Services Bureau, 1400 Broadway, Cogswell Building, P.O. Box 4369, Helena, MT 59604-4369, telephone: (406) 444-3444, or may be downloaded at the EPA web site: ~~www.epa.gov/safewatermethods/pdfs/manual_labcertification.pdf~~ https://www.epa.gov/dwlabcert/laboratory-certification-manual-drinking-water.

AUTH: 50-1-202, MCA
IMP: 50-1-202, 75-6-106, MCA

4. STATEMENT OF REASONABLE NECESSITY

The department is proposing to amend ARM 37.12.301, 37.12.316, 37.12.320, 37.12.338, 37.12.345, and 37.12.346 pertaining to laboratories that conduct analyses of public water supplies.

ARM 37.12 301
The department is proposing to amend this rule to update Code of Federal Regulations (CFR) references to refer to the most current version of each CFR. These updates to the CFR revise the Method Detection Limit procedure. The new procedure is already being utilized by water testing laboratories within Montana. Updating these references is necessary to ensure the rules adopt by reference the current federal regulations.

ARM 37.12.316, 37.12.320, 37.12.338, 37.12.345, and 37.12.346
The department is proposing to amend these rules to correct the hyperlink where the EPA laboratory certification manual (EPA 815-R-05-004, "Manual for the Certification of Laboratories Analyzing Drinking Water," January 2005) can be accessed. The rules currently reference an outdated and broken hyperlink.

5. The proposed rule changes are intended to be effective upon the day after the date of publication of the adoption notice.

6. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Kassie Thompson, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena, MT 59604-4210, no later than 5:00 p.m. on February 24, 2023. Comments may also be faxed to (406) 444-9744 or e-mailed to hhsadminrules@mt.gov.

7. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Kassie Thompson at the above address no later than 5:00 p.m., February 24, 2023.

8. If the agency receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be three persons based on 37 laboratories being licensed within Montana to conduct testing of public water supplies.

9. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 6 above.

10. An electronic copy of this notice is available on the department's web site at https://dphhs.mt.gov/LegalResources/administrativerules, or through the Secretary of State's web site at http://sosmt.gov/ARM/register.

11. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

12. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses.

/s/ ROBERT LISHMAN
Robert Lishman
Rule Reviewer

/s/ CHARLES T. BRERETON
Charles T. Brereton, Director
Department of Public Health and Human Services

Certified to the Secretary of State January 17, 2023.

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES
OF THE STATE OF MONTANA

In the matter of the amendment of ARM 37.85.104 and 37.85.105 pertaining to updating Medicaid and non-Medicaid provider rates, fee schedules, and effective dates	)))))	NOTICE OF EXTENSION OF COMMENT PERIOD ON PROPOSED AMENDMENT

TO: All Concerned Persons

1. On November 18, 2022, the Department of Public Health and Human Services published MAR Notice No. 37-1018 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 2202 of the 2022 Montana Administrative Register, Issue Number 22.

2. A public hearing was held December 8, 2022. The comment period is being extended to 5:00 p.m. on February 3, 2023, to allow interested persons additional time to comment on the proposed amendment of the above-referenced rules. The department has published proposed fee schedules that incorporate procedure codes that were recently published by the Centers for Medicare and Medicaid Services and that the department is required to follow. The proposed fee schedules are posted at: https://medicaidprovider.mt.gov/proposedfs.

Additionally, the department notes that fee schedules for intensive outpatient (IOP) therapy services for children were published with the original proposal notice. The IOP rates are proposed as a permanent reimbursement rate, after being enacted on a temporary basis during the coronavirus public health emergency.

3. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on February 1, 2023, to advise us of the nature of the accommodation that you need. Please contact Kassie Thompson, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail hhsadminrules@mt.gov.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Kassie Thompson, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail hhsadminrules@mt.gov, and must be received no later than 5:00 p.m., February 3, 2023.

/s/ BRENDA K. ELIAS
Brenda K. Elias
Rule Reviewer

/s/ CHARLES T. BRERETON
Charles T. Brereton, Director
Department of Public Health and Human Services

Certified to the Secretary of State January 17, 2023.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the adoption of NEW RULE I and the amendment of ARM 10.58.102, 10.58.103, 10.58.104, 10.58.311, 10.58.312, 10.58.313, 10.58.314, 10.58.315, 10.58.501, 10.58.502, 10.58.503, 10.58.505, 10.58.507, 10.58.509, 10.58.510, 10.58.511, 10.58.513, 10.58.514, 10.58.515, 10.58.516, 10.58.517, 10.58.518, 10.58.521, 10.58.522, 10.58.523, 10.58.524, 10.58.526, 10.58.528, 10.58.531, 10.58.532, 10.58.533, 10.58.604, 10.58.605, 10.58.606, 10.58.607, 10.58.608, 10.58.609, 10.58.610, 10.58.705, 10.58.706, and 10.58.707 pertaining to professional educator preparation program standards	)	NOTICE OF ADOPTION AND AMENDMENT

TO: All Concerned Persons

1. On August 5, 2022, the Board of Public Education (board) published MAR Notice No. 10-58-272 pertaining to the public hearing on the proposed adoption and amendment of the above-stated rules at page 1376 of the 2022 Montana Administrative Register, Issue Number 15.

2. The board has adopted NEW RULE I (ARM 10.58.534) as proposed.

3. The board has amended the following rules as proposed: ARM 10.58.102, 10.58.103, 10.58.104, 10.58.312, 10.58.313, 10.58.314, 10.58.315, 10.58.502, 10.58.503, 10.58.505, 10.58.507, 10.58.509, 10.58.510, 10.58.513, 10.58.514, 10.58.516, 10.58.517, 10.58.518, 10.58.522, 10.58.524, 10.58.526, 10.58.604, 10.58.605, 10.58.606, 10.58.607, 10.58.608, and 10.58.609.

4. The board has amended the following rules as proposed but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

10.58.311 INITIAL CONTENT AND PEDAGOGICAL KNOWLEDGE

(1) through (1)(b) remain as proposed.

(c) use research and evidence to develop an understanding of the teaching profession and use both to measure their P-12 students' progress and their own professional practice;

(c) through (g) remain as proposed but are renumbered (d) through (h).

AUTH: 20-2-114, MCA
IMP: 20-2-121, MCA

10.58.501 TEACHING STANDARDS (1) through (1)(f) remain as proposed.

(g) plan and implement evidence-based practices that support the social, emotional, well-being, behavioral, and academic needs of all students;

(h) through (l) remain as proposed.

AUTH: 20-2-114, MCA
IMP: 20-1-501, 20-2-121, MCA

10.58.511 WORLD LANGUAGES (1) through (1)(c) remain as proposed.

(d) narrate in oral and/or written form and describe in past, present, and future tenses using connected discourse;

(e) and (f) remain as proposed.

(g) write narratives, descriptions, and summaries on topics of general interest in all major time frames with ~~some~~ appropriate control of aspect;

(h) through (m) remain as proposed.

(n) exhibit ease, originality, and flexibility in applying language acquisition theories to instructional practice, based on students' developing proficiency, using a wide variety of strategies to meet the linguistic needs of their students at various developmental levels;

(o) through (2) remain as proposed.

(a) demonstrate knowledge and understanding of the specific classical language; ~~and~~

(b) demonstrate knowledge and application of the specific classical language's sounds, structure, and vocabulary ~~rather than on conversational objectives.~~;

(c) understand conventional written narrative and descriptive texts;

(d) demonstrate understanding of language as an essential element of culture;

(e) demonstrate knowledge of cultural perspectives as reflected in daily living patterns and societal structures, including geography, history, religious, and political systems, literature, fine arts, media, and a variety of cultural products;

(f) connect perspectives to the products and practices of a culture as a way to compare the target culture to their own or to compare a series of cultures;

(g) interpret and synthesize ideas from literary and other cultural texts that represent defining works in the target cultures; and

(h) identify themes, authors, historical style, and text types in a variety of media that the cultures deem important to understanding their traditions.

(3) and (4) remain as proposed.

AUTH: 20-2-114, MCA
IMP: 20-1-501, 20-2-121, MCA

10.58.515 INDUSTRIAL TRADES AND TECHNOLOGY EDUCATION ~~TECHNICAL SCIENCES~~ (1) remains as proposed.

AUTH: 20-2-114, MCA
IMP: 20-2-121, MCA

10.58.521 READING SPECIALISTS K-12 (1) The program requires that successful candidates:

(a) demonstrate knowledge of ~~the role of the reading/literacy specialist in schools, and the Montana Content Standards and how they interrelate with the~~ major theoretical, conceptual, historical, and evidence-based foundations of literacy and language, ~~including~~ the ways in which they interrelate, their correlation to the Montana Content Standards, and the role of the reading/literacy specialist in schools. Successful candidates demonstrate knowledge of the following:

(i) ~~the~~ components of reading development, including, but not limited to, concepts of print, phonological awareness, phonics, word recognition, fluency, vocabulary, and comprehension ~~through the development of reading~~ throughout the grades and ~~the~~ their relationship with other aspects of literacy;

(ii) ~~the~~ aspects of writing development and writing processes, including, but not limited to, revising and audience, and writing foundational skills, including, but not limited to, spelling sentence construction and word processing ~~through the development of writing throughout the grades~~ and ~~the~~ their relationship with other aspects of literacy;

(iii) ~~the~~ components of language, including, but not limited to, language acquisition, structure of language, conventions of standard English, vocabulary acquisition and use, speaking, listening, viewing, and visually representing ~~through the development of language throughout the grades~~ and ~~the~~ their relationship with other aspects of literacy; and

(iv) ~~the~~ knowledge and awareness of the distinct and unique cultural heritage of American Indians and tribes in Montana;

(b) through (b)(ii) remain as proposed.

(iii) developing and implementing strategies to advocate for equality of educational opportunity and to develop the full educational potential of each student;

(c) through (d)(ii) remain as proposed.

(iii) participating in and leading professional learning experiences to assist teachers in selecting, administering, analyzing, interpreting assessments, and using results for instructional decision making in classrooms and schools; and

(iv) remains as proposed.

(e) meet the developmental needs of all learners and ~~collaborating~~ collaborate with school personnel to use a variety of print and digital materials to engage and motivate all learners; ~~integrating~~ integrate digital technologies in appropriate, safe, and effective ways; and ~~fostering~~ foster a positive climate that supports a literacy-rich learning environment by:

(i) and (ii) remain as proposed.

(iii) integrating digital technologies into their literacy instruction in appropriate, safe, and effective ways and assisting colleagues in these efforts; and

(iv) facilitating efforts to foster a positive climate that supports the physical and social dimensions of a literacy-rich learning environment~~;~~, including knowledge of routines, grouping structures, student voice, and social interactions; ~~and~~

(f) demonstrate ability to be reflective literacy professionals who critically analyze and synthesize research, policy, and promising practices; work collaboratively with individuals and groups of colleagues; demonstrate their coaching skills; and advocate on behalf of~~,~~ students and families by:

(i) reflecting on their work, belonging to professional organizations, and as critical consumers of research, policy, and practices, sharing findings with colleagues and other stakeholders;

(i) through (iii) remain as proposed but are renumbered (ii) through (iv).

AUTH: 20-2-114, MCA
IMP: 20-2-121, MCA

10.58.523 SOCIAL STUDIES (1) through (2)(b) remain as proposed.

(c) demonstrate ability to select and integrate the content and methods of investigation of history and the social science disciplines, including the use of original historic documents and sources for use in social studies instruction;

(d) through (8) remain as proposed.

AUTH: 20-2-114, MCA
IMP: 20-1-501, 20-2-121, MCA

10.58.528 COMPUTER SCIENCE (1) through (1)(g)(iii) remain as proposed.

(iv) and ability to teach social issues related to the use of computers and information systems in society and the principles for making informed decisions including, but not limited to, security, privacy, intellectual property, ~~and~~ equitable access to technology resources, limits of computing, and rapid change; and

(g)(v) and (h) remain as proposed.

AUTH: 20-2-114, MCA
IMP: 20-2-121, MCA

10.58.531 EARLY CHILDHOOD EDUCATION (1) and (2) remain as proposed.

(a) knowing about, understanding, and valuing the complex characteristics and importance of children's families and communities including home language, cultural values, ethnicity, socioeconomic conditions, family structures, relationships, stresses, childhood trauma and adverse childhood experiences, supports, and community resources;

(i) understanding the effects of childhood trauma on social, emotional, physical, and behavioral development and be able to demonstrate trauma-informed classroom management strategies; and

(ii) demonstrating a knowledge of the implications of secondary trauma on whole-child well-being;

(b) through (3)(b)(iii) remain as proposed.

(iv) evaluate effective curriculum to maximize children's development and learning; ~~and~~

(c) through (4)(b)(i) remain as proposed.

(ii) promotes the development of children's social, emotional, and friendship skills; and

(iii) assists children in the development of security, self-regulation ~~self-discipline~~, responsibility, and problem solving;

(c) through (c)(vii) remain as proposed.

(viii) making appropriate use of technology; ~~and~~

(d) through (5)(b)(vi) remain as proposed.

(vii) demonstrating knowledge, understanding, and use of human movement and physical activity as central elements to foster active, healthy life styles, including health nutrition, and enhanced quality of life for all students~~.~~;

(c) basing curriculum planning on the understanding of the particular significance of social, emotional, and behavioral development as the foundation for young children's school readiness and future achievements.

(6) and (7) remain as proposed.

AUTH: 20-2-114, MCA
IMP: 20-2-121, MCA

10.58.532 ELEMENTARY (1) and (1)(a) remain as proposed.

(b) demonstrate knowledge, understanding, and application of central concepts as outlined in the Montana ~~content standards~~ Content Standards for students across grades K-8 and engage students in meaningful learning experiences that support students in meeting standards;

(c) demonstrate and apply understandings of the elements of literacy that are critical for purposeful oral, print, and digital communication; apply knowledge in the areas of language, speaking and listening, reading and writing processes, literature, new literacies, and technology; include texts from and about American Indians and tribes in Montana; plan, implement, assess, and reflect on English/language arts and literacy instruction that promotes critical thinking and creates engagement; teach children how to read; ~~and~~ recognize that there are major theories of reading, writing, and communication processes and development, including first and second literacy acquisition; and recognize the role of a heritage language in learning to listen, speak, read, and write in a new language;

(d) and (e) remain as proposed.

(f) demonstrate knowledge, understanding, and application of the major concepts and modes of inquiry from the social studies, including the use of original historic documents and sources, which include the integrated study of history, civics and government, geography, and economics, including personal financial literacy, to promote elementary students' abilities to make informed decisions as citizens of an interdependent and culturally diverse world that includes ~~the cultural diversity of~~ American Indians and tribes in Montana;

(g) through (o) remain as proposed.

(p) demonstrate knowledge and understanding of formative and summative assessments to support data-driven decision making to monitor student growth and

ensure the continuous intellectual, social, emotional, and physical development of elementary students.

AUTH: 20-2-114, MCA
IMP: 20-1-501, 20-2-121, MCA

10.58.533 MIDDLE GRADES (4-8) (1) and (1)(a) remain as proposed.

(b) knowledge of young adolescents in the areas of intellectual, physical, nutritional, social, emotional, behavioral, and moral characteristics, individual needs, and interests, and apply knowledge of young adolescents to create healthy, respectful, supportive, and challenging learning environments for all young adolescents~~;~~, including those whose language and cultures are different from their own;

(i) understand the effects of childhood trauma on social, emotional, physical, and behavioral development and be able to demonstrate trauma-informed classroom management strategies; and

(ii) demonstrate knowledge of the implications of secondary trauma;

(c) through (2)(c) remain as proposed.

(d) knowledge, understanding, and use of the major concepts and modes of inquiry from the social studies, the integrated study of history, government, geography, economics including personal financial literacy, and an understanding of the social sciences, including the use of original historic documents and sources, and other related areas to promote middle grades students' abilities to make informed decisions as citizens of a culturally diverse democratic society, including the cultural diversity of American Indians and tribes in Montana, and the interdependent world;

(e) through (4) remain as proposed.

AUTH: 20-2-114, MCA
IMP: 20-2-121, MCA

10.58.610 SCHOOL COUNSELING K-12 (1) through (1)(d) remain as proposed.

(e) demonstrate knowledge of the role in school counseling of ethnic and cultural heritage, including American Indians and tribes in Montana, nationality, socioeconomic status, family structure, age, gender, sexual orientation, religious and spiritual beliefs, occupation, physical and mental status;

~~(e)~~(f) demonstrate competence in the coordination of school counseling program components and understand how they are integrated within the school community in collaboration with the efforts of other educators and agencies, as well as the roles of leaders, advocates, and systems change agents in schools;

~~(f)~~(g) demonstrate competence in elementary, middle, and high school counseling in:

(i) and (ii) remain as proposed.

(iii) promoting student success using strategies and interventions that address academic development, career counseling, school and life transitions, promotion and graduation rates, college and career readiness, gaps in student

achievement, as well as skills to critically examine the connections between social, familial, emotional, and behavioral issues and academic achievement;

(iv) through (2) remain as proposed.

AUTH: 20-2-114, MCA
IMP: 20-2-121, MCA

10.58.705 SCHOOL PRINCIPALS, SUPERVISORS, AND CURRICULUM DIRECTORS ~~(1) The program requires that successful candidates:~~

~~(a) facilitate the development, articulation, implementation, and stewardship of a school or district vision of learning supported by the school community and:~~

~~(i) collaboratively develop, implement, and promote a commitment to a shared vision and mission integrated throughout the school system through communication skills, including listening to multiple audiences, knowledge of school staff, and aligning decisions with organizational vision;~~

~~(ii) promote continuous and sustainable school and program improvement through the use of decision-making and problem-solving skills, an organized climate, application of change theory, and use professional leadership behaviors including self-awareness and reflective practice;~~

~~(iii) use data to inform goals, assess organizational effectiveness, and promote organizational learning through distributed leadership and data-informed decision making; and~~

~~(iv) design, implement, assess, and adjust plans to achieve goals through prioritization, flexibility, and adaption;~~

~~(b) promote the development of the full educational potential and well-being of each person through our public schools by advocating, nurturing, and sustaining positive school culture and instructional program conducive to student learning; staff professional growth based upon current brain-based research for effective teaching and learning; and exhibiting genuine concern for students and:~~

~~(i) advocate, nurture, and sustain a culture of collaboration, trust, learning, and high expectations to create a comprehensive, rigorous, and coherent curricular program which addresses postsecondary and life readiness through the use of a curriculum management process and learning theory;~~

~~(ii) develop the instructional and leadership capacity of staff in order to create a personalized and motivated learning environment for students through staff assessment and providing comprehensive professional learning opportunities;~~

~~(iii) appraise, support, and supervise instruction in accordance with state-adopted standards and associated accountability systems through fostering a culture of continuous improvement which promotes growth, informs practice, and promotes learning;~~

~~(iv) develop assessment and accountability systems to monitor and evaluate student progress and the impact of the instructional programs through a curriculum management process; and~~

~~(v) maximize instructional time and use appropriate and effective instructional strategies and technologies to support teaching and learning with effective instructional practices and knowledge of child development;~~

~~(c) ensure proper management of the organization, operations, and resources for a safe, efficient, and effective learning environment to develop the full educational potential and well-being of each person with the use of data and time management and:~~

~~(i) develop the capacity for distributed leadership to ensure teacher and organizational growth to support quality instruction and student learning through the implementation of education policy;~~

~~(ii) efficiently and effectively use human, fiscal, and capital resources, applying fiscal and management theory; and~~

~~(iii) advocate, promote, and protect the social, emotional, and physical safety of students and staff with knowledge of Montana School Law and Special Education Law;~~

~~(d) collaborate with families and other community members, respond to diverse community interests and needs, including American Indians and tribes in Montana and mobilize community resources in order to fully develop the educational potential and well-being of each person and:~~

~~(i) promote family engagement by fostering and sustaining positive relationships with parents, families, caregivers, community members, and partners by exhibiting human relations skills;~~

~~(ii) promote understanding, appreciation, and use of the community's diverse cultural, social, and intellectual resources to expand cultural proficiency; and~~

~~(iii) collect and analyze data and information pertinent to the educational environment by being an informed consumer of educational research;~~

~~(e) act with integrity, fairness, and in an ethical manner in order to develop the full educational potential and well-being of each person through our public schools by exhibiting open-mindedness, integrity, consistency, and ethics;~~

~~(f) understand, respond to, and influence the larger political, social, economic, legal, and cultural context in order to develop the full educational potential and well-being of each person through our public schools and assess, analyze, and anticipate emerging trends and initiatives in order to advocate for children, families, and caregivers by acting to influence local, district, state, and national decisions affecting student learning through the knowledge of community, understanding of political climate, and community relations and resources; and~~

~~(g) complete an internship/field experience that provides at least 216 hours of significant opportunities to synthesize and apply the knowledge and practice and develop the skills identified in this rule through substantial, sustained, standards-based work in real settings, planned and guided cooperatively by the institution and properly administratively endorsed school district personnel for graduate credit.~~

(1) The program requires that a candidate who completes a school principal, supervisor, and curriculum director educational leadership preparation program understands and demonstrates the capacity to promote the current and future success and well-being of each student and adult by applying the knowledge, skills, and commitments necessary to:

(a) collaboratively lead, design, and implement a school mission, vision, and process for continuous improvement that reflects a core set of values and priorities that include data use, technology, supports for each student's learning needs,

diversity, digital citizenship, and community. Successful candidates understand and demonstrate the capacity to:

(i) collaboratively evaluate, develop, and communicate a school mission and vision designed to reflect the core set of values and priorities, and have knowledge of:

(A) research on the role and importance of school mission and vision;

(B) processes for collaboratively developing a mission and vision;

(C) processes for developing an actionable mission and vision attentive to the core set of values and priorities; and

(D) the characteristics of well-written mission and vision statements;

(ii) lead improvement processes that include data use, design, implementation, and evaluation, and have knowledge of:

(A) research on school improvement;

(B) formal processes of iterative, evidence-informed improvement;

(C) data collection, analysis, and use; and

(D) implementation theory and research;

(b) understand and demonstrate the capacity to advocate for ethical decisions and cultivate and enact professional norms. Successful candidates understand and demonstrate the capacity to:

(i) reflect on, communicate about, cultivate, and model professional dispositions and norms, including fairness, integrity, transparency, trust, digital citizenship, collaboration, perseverance, reflection, and lifelong learning, that support the educational success and well-being of each student and adult, and have knowledge of:

(A) professional norms, including integrity, competency, fairness, transparency, trust, supports for each student's learning needs, democracy, digital citizenship, diversity, inclusiveness, and the belief that each child can learn, which support student success and well-being;

(B) practices that reflect professional norms;

(C) approaches to cultivating professional norms in others; and

(D) reflective practice;

(ii) evaluate, communicate about, and advocate for ethical and legal decisions, and have knowledge of research on decision making; decision-making processes; and guidelines for ethical and legal decision making; and

(iii) model ethical behavior in their personal conduct and relationships and to cultivate ethical behavior in others, and have knowledge of ethical practice and approaches to cultivating ethical behavior in others;

(c) develop and maintain a supportive, equitable, culturally responsive, and inclusive school culture. Successful candidates understand and demonstrate the capacity to:

(i) use data to evaluate, design, cultivate, and advocate for a supportive and inclusive school culture, and have knowledge of:

(A) dimensions of positive school culture (e.g., safe, healthy, caring, responsive, inclusive, and respectful);

(B) research on inclusive school culture;

(C) processes for evaluating school culture;

(D) processes for effecting changes to school culture; and

(E) engaging in advocacy for all students, including American Indians and tribes of Montana;

(ii) evaluate, cultivate, and advocate for equitable access to educational resources, technologies, and opportunities that support the educational success and well-being of each student, and have knowledge of:

(A) research on the importance to student success of equitable use of educational resources and opportunities;

(B) equitable allocation of educational resources, procedures, and opportunities (e.g., materials, technologies, media, teachers, social and behavioral supports, interventions, and adult relationships); and

(C) broader social, cultural, and political context for the equitable access to and use of educational resources, procedures, and opportunities to develop the full educational potential and well-being of each person through our public schools;

(iii) evaluate, cultivate, and advocate for equitable, inclusive, and culturally responsive instruction and behavioral support practices among teachers and staff, and have knowledge of:

(A) leadership strategies related to Montana Indian Education for All, including the Essential Understandings Regarding Montana Indians;

(B) culturally responsive instructional and behavior support practices that recognize the distinct and unique cultural heritage of the American Indians and tribes in Montana;

(C) characteristics and foundations of equitable educational practice, especially among teachers and staff;

(D) research on implications for students of equitable, culturally responsive, and inclusive practices; and

(E) broader social, cultural, and political context and concerns, including those unique to American Indians and tribes of Montana;

(d) evaluate, develop, and implement coherent systems of curriculum, instruction, data systems, supports, and assessment. Successful candidates understand and demonstrate the capacity to:

(i) evaluate, develop, and implement high-quality, technologically rich curricula, programs, and other supports for academic and non-academic student programs, and have knowledge of:

(A) research on the leadership of academic and non-academic programs;

(B) approaches to coordinating curricula, instructional technologies, and other supports with academic and non-academic systems;

(C) evidence-based curricula, use of technology, and other supports for academic and non-academic programs; and

(D) infrastructures for the ongoing support of academic and non-academic programs;

(ii) evaluate, develop, and implement high-quality and equitable academic and non-academic instructional practices, resources, technologies, and services that support student learning, digital literacy, and the school's academic and non-academic systems, and have knowledge of:

(A) evidence-based instructional practices for different student populations, including American Indians and tribes of Montana;

(B) curricula, educational technologies, and other educational resources that support digital literacy among students and adults;

(C) educational service providers; and

(D) approaches to coordinating resources and services in support of the school's academic and non-academic services;

(iii) evaluate, develop, and implement formal and informal culturally responsive and accessible assessments that support data-informed instructional improvement and student learning and well-being, and have knowledge of:

(A) research on effective assessment of student learning and well-being;

(B) research on assessment practices that are culturally responsive and accessible for each student;

(C) formative and summative measures of student learning and well-being; and

(D) approaches to coordinating among assessments, instructional improvement, and educational service delivery;

(iv) collaboratively evaluate, develop, and implement the school's curriculum, instruction, technology, data systems, and assessment practices in a coherent, equitable, and systematic manner, and have knowledge of:

(A) appropriate and ethical use of data to monitor and continuously improve the school's curriculum, instruction technology, and assessment practices;

(B) research on the coordination of academic and non-academic services and its impact on student learning and well-being;

(C) approaches and strategies for building a coherent and equitable system of academic and non-academic services; and

(D) approaches and strategies for supporting faculty collaboration;

(e) engage families, community, and school personnel in order to strengthen student learning, support school improvement, and advocate for the needs of their school and community. Successful candidates understand and demonstrate the capacity to:

(i) collaboratively engage diverse families in strengthening student learning in and out of school, and have knowledge of:

(A) research on the role of families in supporting student learning in and out of school;

(B) research on student and family diversity; and

(C) strategies for understanding and cultivating relationships with families and engaging them in their children's education;

(ii) collaboratively engage and cultivate relationships with diverse community members, partners, and other constituencies for the benefit of school improvement and student development, and have knowledge of:

(A) school organizational cultures that promote community engagement, including American Indians and tribes of Montana;

(B) research on how community members, partners, and other constituencies can support school improvement and student success;

(C) collaboration methods to develop and sustain productive relationships with diverse community partners; and

(D) practices for accessing and integrating external resources into the school;

(iii) communicate through oral, written, and digital means with the larger organizational, community, and political context when advocating for the needs of their school and community, and have knowledge of:

(A) research on the importance and implications of social, cultural, economic, legal, and political contexts;

(B) strategies for effective oral, written, and digital communication with members of the organization, community, and policy communities; and

(C) educational policy and advocacy for all students, including American Indians and tribes of Montana;

(f) improve management, communication, technology, school-level governance, and operation systems to develop and improve data-informed and equitable school resource plans and to apply laws, policies, and regulations. Successful candidates understand and demonstrate the capacity to:

(i) evaluate, develop, and implement systems that support each student's learning needs and promote the mission and vision of the school, and have knowledge of:

(A) research on school management, operations, use of technologies, communication, and governance systems;

(B) principles of systems management and continuous improvement;

(C) management theories on the effective use of school resources and structures (e.g., school time and schedules) to achieve equitable outcomes for diverse student populations;

(D) processes for developing and implementing management, communication, technology, school-level governance, and operation systems; and

(E) use of technology to enhance learning and program management;

(ii) evaluate, develop, and advocate for a data-informed and equitable resourcing plan that supports school improvement and student development, and have knowledge of:

(A) school-based budgeting;

(B) strategies for acquiring resources;

(C) processes for gathering, synthesizing, and evaluating data to develop and implement management, communication, school-level governance, and operation systems;

(D) strategies for aligning and allocating resources according to school priorities and student needs;

(E) methods and procedures for managing school resources; and

(F) Montana school finance;

(iii) reflectively evaluate, communicate about, and implement laws, rights, policies, and regulations to promote student and adult success and well-being, and have knowledge of:

(A) laws, rights, policies, and regulations enacted by state, local, and federal authorities that affect schools, students, and adults, including Montana school law and special education law;

(B) implications of laws, rights, policies, and regulations for diverse student populations, subgroups, and communities, including tribal laws and regulations;

(C) research on emerging challenges such as privacy, social media, cyber-bullying, and safety; and

(D) the role of collective bargaining agreements;

(g) build the school's professional capacity, engage staff in the development of a collaborative professional culture, and improve systems of staff supervision, evaluation, support, and professional learning. Successful candidates understand and demonstrate the capacity to:

(i) collaboratively develop the school's professional capacity through engagement in recruiting, selecting, and hiring staff, and have knowledge of:

(A) research on teacher recruitment, hiring, and selection;

(B) best practices for recruiting, selecting, and hiring school staff; and

(C) strategic staffing based on student, school, and staff needs;

(ii) develop and engage staff in a collaborative professional culture designed to promote school improvement, teacher retention, and the success and well-being of each student and adult in the school, and have knowledge of:

(A) research-based strategies for developing a collaborative professional culture designed to support improvement, retention, learning, and well-being;

(B) effective communication; and

(C) the role of relationships, trust, and well-being in the development of a healthy and effective professional culture;

(iii) personally engage in, as well as collaboratively engage school staff in, professional learning designed to promote reflection, cultural responsiveness, distributed leadership, digital literacy, school improvement, and student success, and have knowledge of:

(A) research on teacher professional learning;

(B) practices for supporting and developing school staff;

(C) practices for cultivating and distributing leadership among staff;

(D) providing professional learning that promotes reflection, cultural responsiveness, digital literacy, school improvement, and student success; and

(E) how to use digital technology in ethical and appropriate ways to foster professional learning for self and others;

(iv) evaluate, develop, and implement systems of supervision, support, and evaluation designed to promote school improvement and student success, and have knowledge of:

(A) research-based strategies for personnel supervision and evaluation;

(B) importance of, and the ability to access, specific personnel evaluation procedures for a given context;

(C) multiple approaches for providing actionable feedback and support systems for teachers; and

(D) the role of collective bargaining agreements in the supervision process.

(2) The program requires successful candidates to participate in clinical/field experiences, which may be completed for graduate credit, that provide at least 216 hours of significant opportunities to synthesize and apply the knowledge and practice and develop the skills identified in this rule through substantial, sustained, standards-based work in real settings, planned and guided cooperatively by the institution and properly endorsed school administrators.

AUTH: 20-2-114, MCA
IMP: 20-1-501, 20-2-121, MCA

10.58.706 SUPERINTENDENTS ~~(1) The successful candidate completes the requirements of ARM 10.58.705 and the following requirements. The program requires that successful candidates:~~

~~(a) collaboratively develop, implement, and promote a commitment to a shared district vision and mission integrated throughout the school system by strategic planning, aligning districtwide curriculum, and facilitating policy-making processes;~~

~~(b) promote continuous and sustainable district improvement by using data to inform goals, assess organizational effectiveness, and promote organizational learning and designing; implementing, assessing, and adjusting plans to achieve goals; and~~

~~(c) demonstrate skill in working with school boards;~~

~~(d) promote the development of the full educational potential of each person through our public schools by advocating, nurturing, and sustaining a school culture and instructional program conducive to student learning and staff professional growth;~~

~~(e) develop the instructional and leadership capacity of staff in order to create a personalized and motivating learning environment for students through comprehensive professional learning opportunities with principals and leaders;~~

~~(f) develop districtwide assessment and accountability systems to monitor and evaluate student progress and the impact of the instructional programs;~~

~~(g) maximize instructional time, use appropriate and effective instructional strategies and technologies to support teaching and learning through principal supervision and evaluation and developing principal leadership skills;~~

~~(h) develop the capacity for distributed leadership to ensure teacher and organizational growth to support quality instruction and student learning;~~

~~(i) efficiently and effectively use human, fiscal, and capital resources, applying fiscal and management theory;~~

~~(j) advocate, promote, and protect the safety of students and staff;~~

~~(k) demonstrate knowledge of information systems;~~

~~(l) demonstrate knowledge of student transportation laws and best practices; and~~

~~(m) demonstrate knowledge of Montana school law, Montana school finance, and Montana collective bargaining and employment law;~~

~~(n) collaborate with families and other community members, respond to diverse community interests and needs, including American Indians and tribes in Montana families, and mobilize community resources in order to fully develop the educational potential and well-being of each person and:~~

~~(i) promote family engagement by fostering and sustaining positive relationships with parents, families, caregivers, community members and partners; and~~

~~(ii) promote understanding, appreciation, and use the community's diverse cultural, social, and intellectual resources to expand the educational experience;~~

~~(o) act with integrity, fairness, and in an ethical manner in order to develop the full educational potential and well-being of each person through our public schools;~~

~~(p) demonstrate knowledge of the Americans with Disabilities Act (ADA) and the Individuals with Disabilities Education Act (IDEA);~~

~~(q) understand, respond to, and influence the larger political, social, economic, legal, and cultural context in order to develop the full educational potential and well-being of each person through our public schools and assess, analyze, and anticipate emerging trends and initiatives in order to advocate for children, families, and caregivers by acting to influence local, district, state, and national decisions affecting student learning through systemic analysis of issues, knowledge of collective bargaining, marketing strategies, and political and economic trends; and~~

~~(r) complete an internship/field experience that provides at least 216 hours of significant opportunities to synthesize and apply the knowledge and practice and develop the skills identified in this rule through substantial, sustained, standards-based work in real settings, planned and guided cooperatively by the institution and properly administratively endorsed school district personnel for graduate credit.~~

(1) The program requires that a candidate who completes a superintendent educational leadership preparation program understands and demonstrates the capacity to promote the current and future success and well-being of each student and adult by applying the knowledge, skills, and commitments necessary to:

(a) collaboratively design, communicate, and evaluate a district mission and vision that reflects a core set of values and priorities that include data use, technology, support for each student's learning needs, diversity, digital citizenship, and community. Successful candidates understand and demonstrate the capacity to:

(i) collaboratively evaluate, develop, and communicate a district mission and vision designed to reflect the core set of values and priorities, and have knowledge of:

(A) research on the role and importance of district mission and vision;

(B) processes for collaboratively developing a mission and vision;

(C) processes for developing an actionable mission and vision attentive to the core set of values; and

(D) the characteristics of well-written mission and vision statements;

(ii) lead district strategic planning and continuous improvement processes that engage diverse stakeholders in data collection, diagnosis, design, implementation, and evaluation, and have knowledge of:

(A) research on district improvement;

(B) formal processes of system-wide, iterative, evidence-informed improvement;

(C) research-based strategic planning processes;

(D) data collection, diagnosis, and use; and

(E) implementation theory and research;

(b) advocate for ethical decisions and cultivate professional norms and culture. Successful candidates understand and demonstrate the capacity to:

(i) reflect on, communicate about, and cultivate professional dispositions and norms, including support for each student's learning needs, fairness, integrity, transparency, trust, collaboration, perseverance, reflection, lifelong learning, and digital citizenship, and professional district and school cultures, and have knowledge of:

(A) professional norms, including integrity, fairness, transparency, trust, support for each student's learning needs, democracy, digital citizenship, diversity, inclusiveness, and the belief that each child can learn, that promote a productive, equitable, and effective district;

(B) approaches to cultivating professional norms in others;

(C) approaches to building organizational culture; and

(D) reflective practice;

(ii) evaluate, and advocate for ethical and legal decisions, and have knowledge of:

(A) research on and practices for decision making;

(B) knowledge of law and ethics, including special education law, Montana school law, and Montana collective bargaining and employment law; and

(C) guidelines for ethical and legal decision making;

(iii) model ethical behavior in their personal conduct and relationships and to cultivate ethical behavior in others and have knowledge of ethical practice and approaches to cultivating ethical behavior in others;

(c) develop and maintain a supportive, equitable, culturally responsive, and inclusive district culture. Successful candidates understand and demonstrate the capacity to:

(i) evaluate, cultivate, and advocate for a supportive and inclusive district culture, and have knowledge of:

(A) research on inclusive district cultures;

(B) dimensions of positive and inclusive district culture (e.g., fair, safe, healthy, caring, responsive, inclusive, and respectful);

(C) processes for evaluating district culture;

(D) processes for fostering cultural change; and

(E) strategies for advocacy for all students, including American Indians and tribes of Montana.

(ii) evaluate, cultivate, and advocate for equitable access to safe and nurturing schools and the opportunities and resources, including instructional materials, technologies, classrooms, teachers, interventions, and adult relationships, necessary to support the success and well-being of each student, and demonstrate knowledge of:

(A) research on the importance to student success of equitable use of educational resources and opportunities;

(B) equitable allocation of educational opportunities and resources, including instructional materials, technologies, classrooms, teachers, interventions, and adult relationships; and

(C) broader social, cultural, and political context for equitable access to and use of educational resources and opportunities;

(iii) evaluate, advocate, and cultivate equitable, inclusive, and culturally responsive instructional and behavior support practices among teachers and staff, and have knowledge of:

(A) leadership strategies related to Montana Indian Education for All including the Essential Understandings Regarding Montana Indians;

(B) culturally responsive instructional and behavior support practices, with special consideration for American Indians and tribes of Montana;

(C) characteristics and foundations of equitable educational practice;

(D) research on implications for students of equitable, culturally responsive, and inclusive practice; and

(E) broader social, cultural, and political concerns with strategies to support students' learning needs in district schools, including those unique to American Indians and tribes of Montana;

(d) evaluate, design, cultivate, and implement coherent systems of curriculum, instruction, data systems, supports, assessment, and instructional leadership. Successful candidates understand and demonstrate the capacity to:

(i) evaluate, design and implement high-quality curricula, the use of technology, and other services and supports for academic and non-academic student programs, and have knowledge of:

(A) research on the leadership of academic and non-academic programs;

(B) research-based curricula, technologies, and other supports for academic and non-academic programs;

(C) approaches to coordinating among curricula, the use of technology, and academic and non-academic systems of support; and

(D) infrastructures for the ongoing support of academic and non-academic programs;

(ii) collaboratively evaluate, design, and cultivate systems of support, coaching, and professional development for educators, educational professionals, and school and district leaders, including themselves, that promote reflection, digital literacy, distributed leadership, data literacy, improvement, and student success, and have knowledge of:

(A) research on instructional leadership at the school and district level;

(B) research-based approaches on using data to design, implement, and evaluate professional development for teachers and other educational professionals that promotes reflection, digital literacy, distributed leadership, data literacy, school improvement, and student success;

(C) research-based approaches to leadership development focused on improving instructional practice (e.g., leadership evaluation, coaching, development of professional learning communities); and

(D) approaches and strategies for supporting district and school collaboration;

(iii) design, implement, and evaluate a developmentally appropriate, accessible, and culturally responsive system of assessments and data collection, management, and analysis that support instructional improvement, student learning and well-being, and instructional leadership, and have knowledge of:

(A) research, theory, and best practice regarding effective and ineffective assessments of academic and non-academic factors;

(B) research on assessment practices that are culturally responsive and accessible; and

(C) research and best practices regarding systems for collecting, analyzing, managing, and utilizing assessment results and other sources of data;

(iv) design, implement, and evaluate district-wide use of coherent systems of curriculum, instruction, assessment, student services, technology, and instructional

resources that support the needs of each student in the district, and have knowledge of:

(A) research on the coordination within and among academic and non-academic services and its impact on student learning and well-being;

(B) appropriate and ethical use of data to monitor and continuously improve the district's curriculum, instruction, and assessment practices; and

(C) approaches and strategies for developing and implementing coherent and equitable systems of curriculum, instruction, assessment, student services, technology, and instructional resources;

(e) understand and engage families, communities, and other constituents in the work of schools and the district and to advocate for district, student, and community needs. Successful candidates:

(i) understand and demonstrate the capacity to represent and support district schools in engaging diverse families in strengthening student learning in and out of school, and have knowledge of:

(A) research on the role of families in supporting student learning in and out of school; and

(B) strategies for supporting schools in cultivating relationships with and engaging families in strengthening student learning in and out of school, with special consideration of American Indians and tribes of Montana;

(ii) engage, and effectively collaborate and communicate with, through oral, written, and digital means, diverse families, community members, partners, and other constituencies to benefit learners, schools, and the district as a whole, and have knowledge of:

(A) research on student, family, and community diversity;

(B) research on how community members, partners, and other constituencies effectively engage in and support district and school improvement and student success;

(C) effective practice for communicating through oral, written, and digital means;

(D) strategies for understanding and engaging district constituents, including American Indians and tribes of Montana; and

(E) governance and decision-making processes that support family-school communications and engagement;

(iii) communicate through oral, written, and digital means within the larger organizational, community, and political contexts and cultivate relationships with members of the business, civic, and policy community in support of their advocacy for district, school, student, and community needs, and have knowledge of:

(A) research on the importance and implications of social, cultural, economic, legal, and political contexts;

(B) strategies for effective oral, written, and digital communication with members of the business, civic, and policy community;

(C) strategies for cultivating relationships with members of the business, civic, and policy community;

(D) public relations; and

(E) educational advocacy for all students, including American Indians and tribes of Montana;

(f) develop, monitor, evaluate, and manage data-informed and equitable district systems for operations, resources, technology, and human capital management. Successful candidates:

(i) understand and demonstrate the capacity to develop, communicate, implement, and evaluate data-informed and equitable management, communication, technology, governance, and operation systems at the district level to support schools in realizing the district's mission and vision, and have knowledge of:

(A) research, theories, and best practices concerning continuous improvement and the use of data to achieve equitable outcomes for diverse student populations;

(B) research, theories, and best practices concerning the management of operations, technology, communications, and governance systems;

(C) methods for analyzing the design and effectiveness of management, communication, technology, district-level governance, and operation systems in supporting learning for all students; and

(D) use of technology to enhance learning and the management of systems;

(ii) develop, communicate, implement, and evaluate a data-based district resourcing plan and support schools in developing their school-level resourcing plans, and have knowledge of:

(A) school and district-based budgeting;

(B) processes for gathering, synthesizing, and evaluating data to develop resourcing plans;

(C) research and best practices for allocating district- and school-level resources to support student learning and excellence;

(D) methods for accessing and integrating external resources into the district and schools; and

(E) Montana school finance;

(iii) develop, implement, and evaluate coordinated, data-informed systems for hiring, retaining, supervising, and developing school and district staff to support the district's collective instructional and leadership capacity, and have knowledge of:

(A) research-based practices for recruiting, hiring, supporting, supervising, developing, and retaining school and district staff;

(B) strategies for engaging school and district staff in the recruitment and selection process;

(C) strategic data-informed staffing based on student, school, and district needs;

(D) research on and strategies for developing a collaborative professional culture designed to support improvement, retention, learning, and well-being; and

(E) strategies for cultivating leadership among school and district staff;

(g) cultivate relationships, lead collaborative decision making and governance, and represent and advocate for district needs in broader policy conversations. Successful candidates understand and demonstrate the capacity to:

(i) represent the district, advocate for district needs, and cultivate a respectful and responsive relationship with the district's board of trustees focused on achieving the district's shared mission and vision, and have knowledge of:

(A) research and best practice focused on school board governance and relations;

(B) management theory;
(C) communication strategies;
(D) negotiation strategies; and
(E) Montana collective bargaining and employment law;
(ii) design, implement, cultivate, and evaluate effective and collaborative systems for district governance that engage multiple and diverse stakeholder groups, including school and district personnel, families, community stakeholders, and board members, and have knowledge of:
(A) research and best practice concerning effective systems for district governance;
(B) processes for engaging multiple and diverse community stakeholders; and
(C) developing and sustaining effective board relations;
(iii) evaluate and engage in decision making around the implementation and communication of district, state, tribal, and national policy, laws, rules, and regulations, and have knowledge of:
(A) educational policy, laws, rules, and regulations, including tribal governance of education, Montana school law, Individuals with Disabilities Education Act (IDEA), and Americans with Disabilities Act (ADA);
(B) educational policy systems, formulation, adoption, and actors;
(C) strategies for accessing information about policy; local, state, tribal, and federal contexts; and the policy implications for various contexts;
(D) strategies for collaborating with and/or influencing local, state, and federal policy and policy leaders; and
(E) the role of the collective bargaining agreement;
(iv) understand the implications of larger cultural, social, economic, legal, and political interests, changes, and expectations and demonstrate the capacity to evaluate and represent district needs and priorities within larger policy conversations and advocate for district needs and priorities at the local, state, and national level, and have knowledge of:
(A) the use of evidence to evaluate district needs and priorities vis-à-vis education policy conversations and emerging challenges;
(B) how to best represent district priorities and needs at the local, state, and national level; and
(C) how to best advocate for district priorities and needs at the local, state, and national level.
(2) The program requires successful candidates to participate in clinical/field experiences, which may be completed for graduate credit, that provide at least 216 hours of significant opportunities to synthesize and apply the knowledge and practice and develop the skills identified in this rule through substantial, sustained, standards-based work in real settings, planned and guided cooperatively by the institution and properly endorsed school administrators.

AUTH: 20-2-114, MCA
IMP: 20-2-121, MCA

10.58.707 SCHOOL PSYCHOLOGISTS (1) through (1)(b)(viii) remain as proposed.

(ix) applying principles and research related to well-being, resilience, and risk factors in learning and mental and behavioral health, supporting services in schools and communities, multi-tiered prevention, and evidence-based strategies to respond to crises and to create and maintain safe, effective, and supportive learning environments for students and school staff;

(x) through (3)(a)(xvi) remain as proposed.

(xvii) has appropriately and regularly scheduled supervision; and

(xviii) is provided appropriate recognition through the awarding of academic credit; ~~and~~

(b) through (6) remain as proposed.

AUTH: 20-2-114, MCA
IMP: 20-2-121, MCA

5. The board has thoroughly considered the comments and testimony received. A summary of the comments received, and the board's responses are as follows:

COMMENT 1: The Certification Standards and Practices Advisory Council (CSPAC) supported the changes to move English as a Second Language (ESL) to its own rule.

COMMENT 2: One commenter supported the proposed changes in New Rule I.

RESPONSE: The Board of Public Education agreed with Comments 1 and 2 and has numbered the new rule as ARM 10.58.534.

COMMENT 3: One commenter supported New Rule I and acknowledged that English may not be a learner's second language and that the board should work with experts to identify the most up-to-date language and standards used in the field to refer to teaching speakers of languages other than English.

RESPONSE: The Board of Public Education thanked the commenter for their input and after speaking with experts, determined that English as a Second Language was the appropriate terminology and retained the language in New Rule I as proposed by the Superintendent of Public Instruction.

COMMENT 4: One commenter is concerned about the changes being made to move English as a Second Language from ARM 10.58.511 World Languages to its own rule without adequate input from experts.

RESPONSE: The Board of Public Education approved the Office of Public Instruction to begin revising Chapter 58 in 2020. The Office of Public Instruction worked with a task force, which included experts from Montana Educator

Preparation Programs and endorsement areas to draft recommendations to the Board of Public Education.

COMMENT 5: The Montana Federation of Public Employees (MFPE) and two commenters opposed the elimination of the specific reference to the Council for the Accreditation of Educator Preparation (CAEP) in ARM 10.58.103 and stated that the Board of Public Education and Office of Public Instruction currently have an MOU with CAEP, that our Montana standards are heavily aligned with CAEP standards, and that the elimination implies that each Educator Preparation Program (EPP) can select and work with a recognized accreditation agency of their choosing, which may not align with Montana's cycles, standards, and review practices.

RESPONSE: The Board of Public Education disagreed with Comment 5 and stated that by not explicitly stating CAEP in ARM 10.58.103, educator preparation programs have more flexibility to choose the accrediting body that best suits their needs.

COMMENT 6: One commenter opposed the deletion of the language in ARM 10.58.311 that states "use research and evidence to develop an understanding of the teaching profession and use both to measure their P-12 students' progress and their own professional practice" and believes that the new language is not as strong and eliminates the requirement for research and evidence.

RESPONSE: The Board of Public Education agreed with Comment 6 and has reinserted the language in ARM 10.58.311.

COMMENT 7: One commenter is concerned with the language in ARM 10.58.312(1)(b)(v) that states "to the extent possible" as it opens the possibility for students to pressure field placement offices.

RESPONSE: The Board of Public Education disagreed with Comment 7 and stated that students will advocate for their placement and the proposed language in ARM 10.58.312 (1)(b)(v) allows for more student choice in field placement.

COMMENT 8: One commenter opposed the removal of phrases in ARM 10.58.312(1)(c) that encouraged technology-based interactions.

RESPONSE: The Board of Public Education disagreed with Comment 8 and stated that technology-based collaboration and interaction are an established component of our educator preparation programs' work and that these activities will continue, even if the language is not explicit in ARM 10.58.312(1)(c).

COMMENT 9: One commenter stated that the language in ARM 10.58.313(1)(b) may read that EPPs should not strive to recruit and support teacher candidates from groups underrepresented within Montana student populations and supported adding the following language to the last sentence, "…toward a high-quality candidate pool that reflects the diversity of Montana's P-12 students *and the nation."*

RESPONSE: The Board of Public Education disagreed with Comment 9 and stated that the focus should be on representing education in Montana and that the proposed language in ARM 10.58.313(1)(b) ensures that representation.

COMMENT 10: The Board Licensure Committee supported clearly stating the requirement for educator preparation programs to focus on evidence-based practices that support social, emotional, behavioral, and academic needs of all students and offers the following suggested language in ARM 10.58.501(1)(g): "plan and implement evidence-based practices that support the *social, emotional, ~~well-being~~*, *behavioral, and academic needs of all students*."

RESPONSE: The Board of Public Education agreed with Comment 10 and has included the language in ARM 10.58.501(1)(g), including the reference to well-being.

COMMENT 11: One commenter supported retaining the language in ARM 10.58.501(1)(g) that specifies the requirements of assisting students "of all cognitive abilities," rather than the recommended "all students."

RESPONSE: The Board of Public Education disagreed with Comment 11 and stated that the proposed revisions in ARM 10.58.501(1)(g) will continue to provide individualized instruction support for all students, including those of all cognitive abilities.

COMMENT 12: 19 commenters opposed the removal of language in reference to social justice, diversity, and democracy in ARM 10.58.509(1)(c).

RESPONSE: The Board of Public Education disagreed with Comment 12 and noted that critical thinking and creative engagement in all areas are important and should not be limited to social justice, diversity, and democracy, and that the proposed revisions in ARM 10.58.509(1)(c) broaden the scope rather than limiting it to those three areas.

COMMENT 13: One commenter supported the proposed language deletions in ARM 10.58.509(1)(c).

RESPONSE: The Board of Public Education agreed with Comment 13 and has adopted the proposed revisions in ARM 10.58.509(1)(c).

COMMENT 14: The Board Licensure Committee supported better aligning the general standards for world languages and those that apply to the classical language standards and stated that of the world language standards listed in ARM 10.58.511(1), all but (b), (c), (d), (e), and (g) are applicable to classical languages in ARM 10.58.511(2). The committee would recommend working with experts to align this section.

RESPONSE: The Board of Public Education agreed with Comment 14 and after speaking with experts, reinserted many of the standards that pertained to both world languages and classical languages in ARM 10.58.511(2).

COMMENT 15: CSPAC supported the inclusion of American Sign Language (ASL) and tribal languages in ARM 10.58.511.

RESPONSE: The Board of Public Education agreed with Comment 15 and has integrated ASL and tribal languages in ARM 10.58.511.

COMMENT 16: 12 commenters opposed the removal of the language in reference to gender equity and culturally sensitive opportunities in ARM 10.58.515(1)(k).

RESPONSE: The Board of Public Education disagreed with Comment 16 and stated that they do not believe that the removal of language in ARM 10.58.515(1)(k) would inhibit gender equity and culturally sensitive opportunities for students.

COMMENT 17: One commenter supported the proposed language deletions in ARM 10.58.515.

RESPONSE: The Board of Public Education agreed with Comment 17 and has adopted the proposed revisions in ARM 10.58.515.

COMMENT 18: One commenter noted that the proposed name of ARM 10.58.515 is confusing and supported the nationally recognized name of the profession that is "Technology and Engineering Education" for consistency.

RESPONSE: The Board of Public Education partially agreed with Comment 18 and agreed that the proposed title of the rule is confusing, and after speaking with experts, retained the current title, "Industrial Trades and Technology Education" in ARM 10.58.515.

COMMENT 19: One commenter supported changing the language in ARM 10.58.515(1)(a)(i) to read, "…as guided by the *International Technology and Engineering Education Association.*"

RESPONSE: The Board of Public Education disagreed with Comment 19 and stated that this could limit the national professional organizations consulted under ARM 10.58.515.

COMMENT 20: The Board Licensure Committee stated that ARM 10.58.521 is difficult to understand and likely needs work. The committee would recommend working with experts to align this rule.

RESPONSE: The Board of Public Education agreed with Comment 20 and after working with experts, made changes to ARM 10.58.521 that makes the language more easily understood.

COMMENT 21: One commenter stated that equity and equality are not the same and supported the removal of "equality of" in ARM 10.58.523(3)(c), so that the phrase reads "…including freedom of choice, personal financial literacy, ethical action, efficiency, *opportunity*, full employment."

RESPONSE: The Board of Public Education disagreed with Comment 21 and stated that the proposed revision in ARM 10.58.523(3)(c) does not make sense in relation to the proposed language.

COMMENT 22: One commenter stated that the language in ARM 10.58.523(2)(c) potentially misses an opportunity to expand compliance with Indian Education for All (IEFA) and best practices with history education and supported the following language, "…including the use of original historical *sources*."

RESPONSE: The Board of Public Education agreed with Comment 22 and will add *sources* to the proposed language in ARM 10.58.523(2)(c).

COMMENT 23: One commenter supported including the following language in ARM 10.58.528(1)(b)(iv): "knowledge of *Computer Science concepts*, current programming language, and current programming language trends."

RESPONSE: The Board of Public Education disagreed with Comment 23 and stated that the language proposed in Comment 23 already exists in ARM 10.58.528(1)(a).

COMMENT 24: One commenter opposed the removal of the specific types of programming languages in ARM 10.58.528(1)(b)(iv), as it is essential that students have the opportunity to use different types of technology through computer science.

RESPONSE: The Board of Public Education disagreed with Comment 24 and stated that the lists of programming languages in ARM 10.58.528(1)(b)(iv) are not necessary, as they may change over time.

COMMENT 25: One commenter opposed the removal of language in ARM 10.58.528(1)(c)(iv).

RESPONSE: The Board of Public Education partially agreed with Comment 25 and determined that the phrase "limits of computing and rapid change" was relevant to this section and therefore has been restored in ARM 10.58.528(1)(c)(iv). The board disagreed that the other phrases in Comment 25 were relevant to computer science.

COMMENT 26: The Board Licensure Committee and one commenter supported learning about the effects of childhood trauma on social, emotional, physical, and behavioral development in educator preparation programs and offered the following suggested language in ARM 10.58.531(2)(a): "Knowing about, *understanding*, and valuing the complex characteristics and importance of children's families and communities including home language, cultural values, ethnicity, socioeconomic

conditions, family structures, relationships, *stresses, childhood trauma and adverse childhood experiences,* supports, and community resources. (i) *Understanding the effects of childhood trauma on social, emotional, physical, and behavioral development and being able to demonstrate trauma-informed classroom management strategies; and* (ii) *Demonstrating a knowledge of the implications of secondary trauma;"*
ARM 10.58.31(4)(b)(ii) "promotes the development of children's *social, emotional, and* friendship skills; and (iii) assists children in the development of security, *self-regulation, ~~self-discipline~~*, responsibility, and problem solving;"
ARM 10.58.531(5)(c) "*basing curriculum planning on the understanding of the particular significance of social, emotional, and behavioral development as the foundation for young children's school readiness and future achievements."*

COMMENT 27: 21 commenters opposed the elimination of terminology such as trauma informed classroom management, social, emotional, and behavioral development, adverse childhood experiences, and self-regulation in ARM 10.58.531. The commenters stated that it is important to learn the in-depth understanding of these topics.

RESPONSE: The Board of Public Education agreed with Comments 26 and 27 and stated that the current language in ARM 10.58.531 is important to early childhood education and therefore, the language has been restored.

COMMENT 28: One commenter supported updating the terms in ARM 10.58.531(7)(c) from grades to ages, as this is in line with the national standards for early childhood professional standards.

RESPONSE: The Board of Public Education disagreed with Comment 28 and stated that student teaching experiences are required for certain grade level groupings, not age level groupings, as outlined in ARM 10.58.531(7)(c).

COMMENT 29: The Board Licensure Committee supported clean up language and offered the following suggested language in ARM 10.58.531(1)(c): "…apply understandings of the elements of literacy *that are* critical for purposeful oral, print, and digital communication… teach children how to read; ~~*and*~~ recognize that there are major theories of reading, writing, and communication processes and development, including first and second literacy acquisition; and *recognize* the role of a heritage language in learning to listen, speak, read, and write in a new language."

RESPONSE: The Board of Public Education agreed with Comment 29 and made the appropriate changes in ARM 10.58.531(1)(c).

COMMENT 30: Nine commenters opposed the removal of references to social and emotional in ARM 10.58.532(1)(p).

RESPONSE: The Board of Public Education agreed with Comment 30 and reiterated the importance of social and emotional learning in elementary education programs in ARM 10.58.531(1)(p).

COMMENT 31: Two commenters stated that the changes in ARM 10.58.532(1)(f) could be interpreted that cultural diversity is viewed as unimportant, outside of recognition of indigenous people and supported the following language: "…an interdependent *and culturally diverse* world, that includes ~~including the cultural diversity of~~ American Indians and tribes in Montana."

RESPONSE: The Board of Public Education agreed with Comment 31 and made the appropriate changes in ARM 10.58.532(1)(f).

COMMENT 32: One commenter stated that the language in ARM 10.58.532(1)(f) potentially misses an opportunity to expand compliance with IEFA and best practices with history education and supported the following language: "…including the use of original historical *sources*."

RESPONSE: The Board of Public Education agreed with Comment 32 and will add *sources* to the proposed language in ARM 10.58.532(1)(f).

COMMENT 33: The Board Licensure Committee supported learning about the effects of childhood trauma on social, emotional, physical, and behavioral development in educator preparation programs and offered the following suggested language in ARM 10.58.533(1)(b): "*knowledge of young adolescents in the areas of intellectual, physical, nutritional, social, emotional, behavioral, and moral characteristics, individual needs and interests, and* apply ~~this~~ knowledge of young adolescents to create healthy, respectful, supportive, and challenging learning environments for all young adolescents, *including those whose language and cultures are different from their own; (i) understand the effects of childhood trauma on social, emotional, physical, and behavioral development and be able to demonstrate trauma-informed classroom management strategies; (ii) demonstrate a knowledge of the implications of secondary trauma*;"

COMMENT 34: 20 commenters opposed the elimination of terminology such as trauma informed classroom management, social, emotional, and behavioral development, adverse childhood experiences, and self-regulation in ARM 10.58.533 and stated that it is important to learn the in-depth understanding of these topics.

COMMENT 35: One commenter opposed removing the following language in ARM 10.58.533(1)(b): "including those whose language and cultures are different from their own."

RESPONSE: The Board of Public Education agreed with Comments 33 through 35 and stated that the type of learning currently in ARM 10.58.533 is important and should remain.

COMMENT 36: One commenter stated that the language in ARM 10.58.533(2)(d) potentially misses an opportunity to expand compliance with IEFA and best practices with history education and supported the following language: "…including the use of original historical *sources*."

RESPONSE: The Board of Public Education agreed with Comment 36 and will add *sources* to the proposed language in ARM 10.58.533(2)(d).

COMMENT 37: One commenter stated that the language in ARM 10.58.607(1)(b) may read that EPPs should not strive to recruit and support teacher candidates from groups underrepresented within Montana student populations and supported adding the following language to the last sentence: "…toward a high-quality, *diverse* candidate pool that reflects the diversity of Montana's P-12 students."

RESPONSE: The Board of Public Education disagreed with Comment 37 and stated that the focus should be on representing education in Montana and that the proposed language in ARM 10.58.607(1)(b) ensures that representation.

COMMENT 38: The Board Licensure Committee supported clearly stating the requirement for educator preparation programs to focus on evidence-based practices that support social, emotional, behavioral, and academic needs of all students and offered the following suggested language in ARM 10.58.610(1)(f)(iii): "promoting student success using strategies and interventions that address academic development, career counseling, school and life transitions, promotion and graduation rates, college and career readiness, *as well as skills to critically examine the connections between social, emotional, and behavioral issues and academic achievement;*"

RESPONSE: The Board of Public Education agreed with Comment 38 and stated that this language in ARM 10.58.610(1)(f)(iii) is important to school counseling and therefore, the language has been reinstated.

COMMENT 39: CSPAC supported reviewing the stricken language in ARM 10.58.610(1)(e) to evaluate whether the language is actually encompassed in other parts of ARM 10.58.610, like Dr. Murgel stated it was.

COMMENT 40: Two commenters opposed removing the following language in ARM 10.58.610(1)(e): "…demonstrate knowledge of the role of ethnic and cultural heritage, nationality, socioeconomic status, family structure, age, gender, sexual orientation, religious and spiritual beliefs, occupation, physical and mental status, and equity issues in school counseling, including American Indians and tribes in Montana."

RESPONSE: The Board of Public Education acknowledged Comments 39 and 40 and agreed that there was some confusion around statements that were made about this rule. The board approved the following language in ARM 10.58.610, "(1)(e) demonstrate knowledge of the role in school counseling of ethnic and cultural

heritage, including American Indians and tribes in Montana, nationality, socioeconomic status, family structure, age, gender, sexual orientation, religious and spiritual beliefs, occupation, physical and mental status~~, and equity issues in school counseling, including American Indians and tribes in Montana~~."

COMMENT 41: One commenter is concerned that the proposed language in ARM 10.58.610 does not align with the American School Counselor Association standards.

COMMENT 42: One commenter opposed the removal of the "specifically the ethical standards of the American School Counselor Association" language in ARM 10.58.610(1)(g), as these standards protect children and are a fundamental cornerstone of school counselor training and profession.

COMMENT 43: One commenter is concerned that the proposed revisions in ARM 10.58.610 do not align with the School Counseling Ethical Guidelines.

RESPONSE: The Board of Public Education acknowledged Comments 41 through 43 and stated that language in ARM 10.58.610(1)(h) requires that "successful candidates demonstrate knowledge of the American School Counselor Association national standards…" and that this language is sufficient, and that the specific national standards do not need to be reiterated.

COMMENT 44: One commenter opposed the removal of the "equity in academic achievement" language in ARM 10.58.610(1)(f)(iii), which is essential to professional school counselor training in order to address systemic barriers that may exist.

RESPONSE: The Board of Public Education disagreed with Comment 44 and instead approved the following language in ARM 10.58.610, "(1)(f)(iii) promoting student success using strategies and interventions that address academic development, career counseling, school and life transitions, promotion and graduation rates, college and career readiness~~, equity in academic achievement, as well as skills to critically examine the connections between social, familial, emotional, and behavioral issues and academic achievement~~ and gaps in student achievement."

COMMENT 45: Two commenters opposed the removal of the language in ARM 10.58.705(1)(e)(i) through (iii).

RESPONSE: The Board of Public Education acknowledged Comment 45 and stated that much of this language has been reinstated in ARM 10.58.705, given the board's approval of the rewrite of these standards.

COMMENT 46: EPP Faculty and the School Administrators of Montana (SAM) support using the National Educational Leadership Preparation Program Standards to guide the revisions to educational leadership preparation standards and offer the following suggested language in ARM 10.58.705:

(1) The program requires that a candidate who completes a school principal, supervisor, and curriculum director educational leadership preparation program understands and demonstrates the capacity to promote the current and future success and well-being of each student and adult by applying the knowledge, skills, and commitments necessary to collaboratively lead, design, and implement a school mission, vision, and process for continuous improvement that reflects a core set of values and priorities that include data use, technology, equity, diversity, digital citizenship, and community. Successful candidates:

(a) understand and demonstrate the capacity to collaboratively evaluate, develop, and communicate a school mission and vision designed to reflect a core set of values and priorities that include data use, technology, equity, diversity, digital citizenship, and community, and have knowledge of:

(i) research on the role and importance of school mission and vision;

(ii) processes for collaboratively developing a mission and vision;

(iii) processes for developing an actionable mission and vision attentive to values and priorities that include data use, technology, values, equity, diversity, digital citizenship, and community; and

(iv) the characteristics of well-written mission and vision statements;

(b) understand and demonstrate the capacity to lead improvement processes that include data use, design, implementation, and evaluation, and have knowledge of:

(i) research on school improvement;

(ii) formal processes of iterative, evidence informed improvement;

(iii) data collection, analysis, and use; and

(iv) Implementation theory and research.

(2) The program requires that a candidate who completes a school principal, supervisor, and curriculum director educational leadership preparation program understands and demonstrates the capacity to promote the current and future success and well-being of each student and adult by applying the knowledge, skills, and commitments necessary to understand and demonstrate the capacity to advocate for ethical decisions and cultivate and enact professional norms. Successful candidates:

(a) understand and demonstrate the capacity to reflect on, communicate about, cultivate, and model professional dispositions and norms (i.e., fairness, integrity, transparency, trust, digital citizenship, collaboration, perseverance, reflection, lifelong learning) that support the educational success and well-being of each student and adult, and have knowledge of:

(i) professional norms (i.e., integrity, competency, fairness, transparency, trust, equity, democracy, digital citizenship, diversity, inclusiveness, and the belief that each child can learn), which support student success and well-being;

(ii) practices that reflect professional norms;

(iii) approaches to cultivating professional norms in others; and

(iv) reflective practice;

(b) understand and demonstrate the capacity to evaluate, communicate about, and advocate for ethical and legal decisions, and have knowledge of:

(i) research on decision making;

(ii) decision-making processes; and

(iii) guidelines for ethical and legal decision making;

(c) understand and demonstrate the capacity to model ethical behavior in their personal conduct and relationships and to cultivate ethical behavior in others, and have knowledge of:

(i) ethical practice; and

(ii) approaches to cultivating ethical behavior in others.

(3) The program requires that a candidate who completes a school principal, supervisor, and curriculum director educational leadership preparation program understands and demonstrates the capacity to promote the current and future success and well-being of each student and adult, including American Indians and tribes of Montana, by applying the knowledge, skills, and commitments necessary to develop and maintain a supportive, equitable, culturally responsive, and inclusive school culture. Successful candidates:

(a) understand and demonstrate the capacity to use data to evaluate, design, cultivate, and advocate for a supportive and inclusive school culture, and have knowledge of;

(i) dimensions of positive school culture (i.e., safe, healthy, caring, responsive, inclusive, and respectful);

(ii) research on inclusive school cultures;

(iii) processes for evaluating school culture;

(iv) processes for effecting changes to school culture; and

(v) engaging in advocacy for all students, including American Indians and tribes of Montana;

(b) understand and demonstrate the capacity to evaluate, cultivate, and advocate for equitable access to educational resources, technologies, and opportunities that support the educational success and well-being of each student, and have knowledge of;

(i) research on the consequences for students of equitable and inequitable use of educational resources and opportunities;

(ii) equitable allocation of educational resources, procedures, and opportunities (i.e., materials, technologies, media, teachers, social and behavioral supports, interventions, and adult relationships); and

(iii) broader social and political concerns with equity and inequality in the use of educational resources, procedures, and opportunities, including those unique to American Indians and tribes of Montana;

(c) understand and demonstrate the capacity to evaluate, cultivate, and advocate, equitable, inclusive, and culturally responsive instruction and behavioral support practices among teachers and staff, and have knowledge of:

(i) leadership strategies related to Montana Indian Education for All, including the Essential Understandings Regarding Montana Indians;

(ii) culturally responsive instructional and behavior support practices, with special consideration for American Indians and tribes of Montana;

(iii) characteristics and foundations of equitable and inequitable educational practice, especially among teachers and staff;

(iv) research on implications for students of equitable, culturally responsive, and inclusive practices; and

(v) broader social and political concern with equity and inequality in schools, including those unique to American Indians and tribes of Montana.

(4) The program requires that a candidate who completes a school principal, supervisor, and curriculum director educational leadership preparation program understands and demonstrates the capacity to promote the current and future success and well-being of each student and adult by applying the knowledge, skills, and commitments necessary to evaluate, develop, and implement coherent systems of curriculum, instruction, data systems, supports, and assessment. Successful candidates:

(a) understand and can demonstrate the capacity to evaluate, develop, and implement high-quality, technologically rich curricula, programs, and other supports for academic and non-academic student programs, and have knowledge of:

(i) research on the leadership of academic and non-academic programs;

(ii) approaches to coordinating among (a) curricula, instructional technologies, and other supports and (b) academic and non-academic systems;

(iii) evidence-based curricula, use of technology, and other supports for academic and nonacademic programs; and

(iv) infrastructures for the ongoing support of academic and non-academic programs;

(b) understand and can demonstrate the capacity to evaluate, develop, and implement high-quality and equitable academic and non-academic instructional practices, resources, technologies, and services that support equity, digital literacy, and the school's academic and non-academic systems, and have knowledge of:

(i) evidence-based instructional practices for different student populations, including American Indians and tribes of Montana;

(ii) curricula, educational technologies, and other educational resources that support digital literacy among students and adults;

(iii) educational service providers; and

(iv) approaches to coordinating resources and services in support of the school's academic and non-academic services;

(c) understand and can demonstrate the capacity to evaluate, develop, and implement formal and informal culturally responsive and accessible assessments that support data-informed instructional improvement and student learning and well-being, and have knowledge of:

(i) research on the effective and ineffective assessment of student learning and well-being;

(ii) research on assessment practices that are culturally responsive and accessible for each student, including American Indians and tribes of Montana;

(iii) formative and summative measures of student learning and well-being; and

(iv) approaches to coordinating among assessments, instructional improvement, and educational service delivery;

(d) understand and demonstrate the capacity to collaboratively evaluate, develop, and implement the school's curriculum, instruction, technology, data systems, and assessment practices in a coherent, equitable, and systematic manner, and have knowledge of:

(i) appropriate and ethical use of data to monitor and continuously improve the school's curriculum, instruction technology, and assessment practices;

(ii) research on the coordination (or lack thereof) within and among academic and non-academic services and its impact on student learning and well-being;

(iii) approaches and strategies for building a coherent and equitable system of academic (curriculum, instruction, and assessment) and non-academic services; and

(iv) approaches and strategies for supporting faculty collaboration.

(5) The program requires that a candidate who completes a school principal, supervisor, and curriculum director educational leadership preparation program understands and demonstrates the capacity to promote the current and future success and well-being of each student and adult by applying the knowledge, skills, and commitments necessary to engage families, community, and school personnel in order to strengthen student learning, support school improvement, and advocate for the needs of their school and community. Successful candidates:

(a) understand and demonstrate the capacity to collaboratively engage diverse families in strengthening student learning in and out of school, and have knowledge of;

(i) research on the role of families in supporting student learning in and out school;

(ii) research on student and family diversity; and

(iii) strategies for understanding and cultivating relationships with families and engaging them in their children's education; with special consideration of American Indians and tribes of Montana;

(b) understand and demonstrate the capacity to collaboratively engage and cultivate relationships with diverse community members, partners, and other constituencies for the benefit of school improvement and student development, and have knowledge of:

(i) school organizational cultures that promote community engagement, including American Indians and Tribes of Montana;

(ii) research on how community members, partners, and other constituencies can support school improvement and student success;

(iii) collaboration methods to develop and sustain productive relationships with diverse community partners; and

(iv) practices for accessing and integrating external resources into the school;

(c) understand and demonstrate the capacity to communicate through oral, written, and digital means with the larger organizational, community, and political context when advocating for the needs of their school and community, and have knowledge of:

(i) research on the importance and implications of social, cultural, economic, legal, and political contexts;

(ii) strategies for effective oral, written, and digital communication with members of the organization, community, and policy communities; and

(iii) educational policy and advocacy for all students, including American Indians and tribes of Montana.

(6) The program requires that a candidate who completes a school principal, supervisor, and curriculum director educational leadership preparation program understands and demonstrates the capacity to promote the current and future

success and well-being of each student and adult by applying the knowledge, skills, and commitments necessary to improve management, communication, technology, school-level governance, and operation systems to develop and improve data-informed and equitable school resource plans and to apply laws, policies, and regulations. Successful candidates:

(a) understand and demonstrate the capacity to evaluate, develop, and implement management, communication, technology, school-level governance, and operation systems that support each student's learning needs and promote the mission and vision of the school, and have knowledge of:

(i) research on school management, operations, use of technologies, communication, and governance systems;

(ii) principles of systems management and continuous improvement;

(iii) management theories on the effective use of school resources and structures (i.e., school time and schedules) to achieve equitable outcomes for diverse student populations;

(iv) processes for developing and implementing management, communication, technology, school-level governance, and operation systems; and

(v) use of technology to enhance learning and program management;

(b) understand and demonstrate the capacity to evaluate, develop, and advocate for a data-informed and equitable resourcing plan that supports school improvement and student development, and have knowledge of:

(i) school-based budgeting;

(ii) strategies for acquiring resources;

(iii) processes for gathering, synthesizing, and evaluating data (i.e., data literacy) to develop and implement management, communication, school-level governance, and operation systems;

(iv) strategies for aligning and allocating resources according to school priorities and student needs;

(v) methods and procedures for managing school resources; and

(vi) Montana school finance

(c) understand and demonstrate the capacity to reflectively evaluate, communicate about, and implement laws, rights, policies, and regulations to promote student and adult success and well-being, and have knowledge of:

(i) laws, rights, policies, and regulations enacted by state, local, and federal authorities that affect schools, students, and adults, including Montana school law and special education law;

(ii) implications of laws, rights, policies, and regulations for diverse student populations, subgroups, and communities, including tribal laws and regulations;

(iii) research on emerging challenges such as privacy, social media (i.e., cyber-bullying), and safety; and

(iv) the role of collective bargaining agreements.

(7) The program requires that a candidate who completes a school principal, supervisor, and curriculum director educational leadership preparation program understands and demonstrates the capacity to promote the current and future success and well-being of each student and adult by applying the knowledge, skills, and commitments necessary to build the school's professional capacity, engage staff in the development of a collaborative professional culture, and improve systems of

staff supervision, evaluation, support, and professional learning. Successful candidates:

(a) understand and have the capacity to collaboratively develop the school's professional capacity through engagement in recruiting, selecting, and hiring staff, and have knowledge of:

(i) research on teacher recruitment, hiring, and selection;

(ii) practices for recruiting, selecting, and hiring school staff; and

(iii) strategic staffing based on student, school, and staff needs;

(b) understand and have the capacity to develop and engage staff in a collaborative professional culture designed to promote school improvement, teacher retention, and the success and well-being of each student and adult in the school, and have knowledge of:

(i) research on and strategies for developing a collaborative professional culture designed to support improvement, retention, learning, and well-being;

(ii) effective communication; and

(iii) the role of relationships, trust, and well-being in the development of a healthy and effective professional culture;

(c) understand and have the capacity to personally engage in, as well as collaboratively engage school staff in, professional learning designed to promote reflection, cultural responsiveness, distributed leadership, digital literacy, school improvement, and student success, and have knowledge of:

(i) research on teacher professional learning;

(ii) practices for supporting and developing school staff;

(iii) practices for cultivating and distributing leadership among staff;

(iv) providing professional learning that promotes reflection, cultural responsiveness, digital literacy, school improvement, and student success; and

(v) how to use digital technology in ethical and appropriate ways to foster professional learning for self and others;

(d) understand and have the capacity to evaluate, develop, and implement systems of supervision, support, and evaluation designed to promote school improvement and student success, and have knowledge of:

(i) research-based strategies for personnel supervision and evaluation;

(ii) importance of, and the ability to access, specific personnel evaluation procedures for a given context;

(iii) multiple approaches for providing actionable feedback and support systems for teachers; and

(iv) the role of collective bargaining agreements in the supervision process.

(8) Internship: Candidates participate in clinical/field experiences, which may be completed for graduate credit, that provides at least 210 hours of significant opportunities to synthesize and apply the knowledge and practice and develop the skills identified in this rule through substantial, sustained, standards-based work in real settings, planned and guided cooperatively by the institution and properly endorsed school administrators.

RESPONSE: The Board of Public Education partially agreed with Comment 46 and acknowledged that the current standards in ARM 10.58.705 do not match the national standards; therefore, the board replaced the old standards with new

standards that largely reflect the National Educational Leadership Preparation standards.

COMMENT 47: One commenter requested the board review the recommended changes in ARM 10.58.706 to ensure their alignment with the National Educational Leadership Preparation (NELP) Program Recognition Standards.

RESPONSE: The Board of Public Education acknowledged Comment 47 and stated that much of this language has been reinstated in ARM 10.58.706, given the board's approval of the rewrite of these standards.

COMMENT 48: EPP Faculty and SAM support using the National Educational Leadership Preparation Program Standards to guide the revisions to educational leadership preparation standards and offer the following suggested language in ARM 10.58.706:

(1) The program requires that a candidate who completes a superintendent educational leadership preparation program understands and demonstrates the capacity to collaboratively design, communicate, and evaluate a district mission and vision that reflects a core set of values and priorities that include data use, technology, values, equity, diversity, digital citizenship, and community. Successful candidates:

(a) understand and demonstrate the capacity to collaboratively evaluate, develop, and communicate a district mission and vision designed to reflect a core set of values and priorities that include data use, technology, equity, diversity, digital citizenship, and community, and have knowledge of:

(i) research on the role and importance of district mission and vision;

(ii) processes for collaboratively developing a mission and vision;

(iii) processes for developing an actionable mission and vision attentive to such considerations as data use, technology, values, equity, diversity, digital citizenship, and community; and

(iv) the characteristics of well-written mission and vision statements;

(b) understand and demonstrate the capacity to lead district strategic planning and continuous improvement processes that engage diverse stakeholders in data collection, diagnosis, design, implementation, and evaluation, and have knowledge of:

(i) research on district improvement;

(ii) formal processes of system-wide, iterative, evidence-informed improvement;

(iii) research-based strategic planning processes;

(iii) data collection, diagnosis, and use; and

(iv) implementation theory and research.

(2) The program requires that a candidate who completes a superintendent educational leadership preparation program understands and demonstrates the capacity to promote the current and future success and well-being of each student and adult by applying the knowledge, skills, and commitments necessary to understand and demonstrate the capacity to advocate for ethical decisions and cultivate professional norms and culture. Successful candidates:

(a) understand and demonstrate the capacity to reflect on, communicate about, and cultivate professional dispositions and norms (i.e., equity, fairness, integrity, transparency, trust, collaboration, perseverance, reflection, lifelong learning, digital citizenship) and professional district and school cultures, and have knowledge of:

(i) professional norms (i.e., integrity, fairness, transparency, trust, equity, democracy, digital citizenship, diversity, inclusiveness, and the belief that each child can learn), that promote a productive, equitable, and effective district;

(ii) approaches to cultivating professional norms in others;

(iii) approaches to building organizational culture; and

(iv) reflective practice

(b) understand and demonstrate the capacity to evaluate, and advocate for ethical and legal decisions, and have knowledge of:

(i) research on and practices for decision making;

(ii) knowledge of law and ethics, including special education law, Montana school law, and Montana collective bargaining and employment law; and

(iii) guidelines for ethical and legal decision making;

(c) understand and demonstrate the capacity to model ethical behavior in their personal conduct and relationships and to cultivate ethical behavior in others, and have knowledge of:

(i) ethical practice; and

(ii) approaches to cultivating ethical behavior in others.

(3) The program requires that a candidate who completes a superintendent educational leadership preparation program understands and demonstrates the capacity to promote the current and future success and well-being of each student and adult, including American Indians and tribes of Montana, by applying the knowledge, skills, and commitments necessary to develop and maintain a supportive, equitable, culturally responsive, and inclusive district culture. Successful candidates:

(a) understand and demonstrate the capacity to evaluate, cultivate, and advocate for a supportive and inclusive district culture, and have knowledge of;

(i) research on inclusive district cultures;

(ii) dimensions of positive and inclusive district culture (i.e., fair, safe, healthy, caring, responsive, inclusive, and respectful);

(iii) processes for evaluating district culture;

(iv) processes for fostering cultural change; and

(v) strategies for advocacy for all students, including American Indians and tribes of Montana;

(b) understand and demonstrate the capacity to evaluate, cultivate, and advocate for equitable access to safe and nurturing schools and the opportunities and resources, including instructional materials, technologies, classrooms, teachers, interventions, and adult relationships, necessary to support the success and well-being of each student, and demonstrate knowledge of:

(i) research on the consequences for students of equitable and inequitable use of educational resources and opportunities;

(ii) equitable allocation of educational opportunities and resources, including instructional materials, technologies, classrooms, teachers, interventions, and adult relationships; and

(iii) broader social and political concerns with equity and inequality in the use of educational resources and opportunities, including those unique to American Indians and tribes of Montana.

(c) understand and demonstrate the capacity to evaluate, advocate, and cultivate equitable, inclusive, and culturally responsive instructional and behavior support practices among teachers and staff, and have knowledge of:

(i) Leadership strategies related to Montana Indian Education for All including the Essential Understandings Regarding Montana Indians;

(ii) culturally responsive instructional and behavior support practices, with special consideration for American Indians and tribes of Montana;

(iii) characteristics and foundations of equitable and inequitable educational practice

(iv) research on implications for students of equitable, culturally responsive, and inclusive practice; and

(v) broader social and political concerns with equity and inequity in district schools, including those unique to American Indians and tribes of Montana.

(4) The program requires that a candidate who completes a superintendent educational leadership preparation program understands and demonstrates the capacity to promote the current and future success and well-being of each student and adult by applying the knowledge, skills, and commitments necessary to evaluate, design, cultivate, and implement coherent systems of curriculum, instruction, data systems, supports, assessment, and instructional leadership. Successful candidates:

(a) understand and can demonstrate the capacity to evaluate, design and implement high-quality curricula, the use of technology, and other services and supports for academic and non-academic student programs, and have knowledge of:

(i) research on the leadership of academic and non-academic programs;

(ii) research-based curricula, technologies, and other supports for academic and non-academic programs;

(iii) approaches to coordinating among (a) curricula, (b) the use of technology, and (c) academic and non-academic systems of support; and

(iv) infrastructures for the ongoing support of academic and non-academic programs;

(b) understand and demonstrate the capacity to collaboratively evaluate, design, and cultivate systems of support, coaching, and professional development for educators, educational professionals, and school and district leaders, including themselves, that promote reflection, digital literacy, distributed leadership, data literacy, equity, improvement, and student success, and have knowledge of:

(i) research on instructional leadership at the school and district level; and

(ii) research-based approaches on using data to design, implement, and evaluate professional development for teachers and other educational professionals that promotes reflection, digital literacy, distributed leadership, data literacy, equity, improvement, and student success;

(iii) research-based approaches to leadership development focused on improving instructional practice (i.e., leadership evaluation, coaching, development of professional learning communities, etc.);

(iv) approaches and strategies for supporting district and school collaboration

(c) understand and can demonstrate the capacity to design, implement, and evaluate a developmentally appropriate, accessible, and culturally responsive system of assessments and data collection, management, and analysis that support instructional improvement, equity, student learning and well-being, and instructional leadership, and have knowledge of:

(i) research, theory, and best practice regarding effective and ineffective assessments of academic and non-academic factors (i.e., instruction, student learning and well-being, instructional leadership, etc.);

(ii) research on assessment practices that are culturally responsive and accessible; and

(iii) research and best practices regarding systems for collecting, analyzing, managing, and utilizing assessment results and other sources of data;

(d) understand and demonstrate the capacity to design, implement, and evaluate district-wide use of coherent systems of curriculum, instruction, assessment, student services, technology, and instructional resources that support the needs of each student in the district, and have knowledge of;

(i) research on the coordination (or lack thereof) within and among academic and non-academic services and its impact on student learning and well-being;

(ii) appropriate and ethical use of data to monitor and continuously improve the district's curriculum, instruction, and assessment practices; and

(iii) approaches and strategies for developing and implementing coherent and equitable systems of curriculum, instruction, assessment, student services, technology, and instructional resources.

(5) The program requires that a candidate who completes a superintendent educational leadership preparation program understands and demonstrates the capacity to promote the current and future success and well-being of each student and adult by applying the knowledge, skills, and commitments necessary to understand and engage families, communities, and other constituents in the work of schools and the district and to advocate for district, student, and community needs. Successful candidates:

(a) understand and demonstrate the capacity to represent and support district schools in engaging diverse families in strengthening student learning in and out of school, and have knowledge of:

(i) research on the role of families in supporting student learning in and out of school; and

(ii) strategies for supporting schools in cultivating relationships with and engaging families in strengthening student learning in and out of school, with special consideration of American Indians and tribes of Montana;

(b) understand and demonstrate the capacity to understand, engage, and effectively collaborate and communicate with, through oral, written, and digital means, diverse families, community members, partners, and other constituencies to benefit learners, schools, and the district as a whole., and have knowledge of:

(i) research on student, family, and community diversity;

(ii) research on how community members, partners, and other constituencies effectively engage in and support district and school improvement and student success;

(iii) effective practice for communicating through oral, written, and digital means;

(iv) strategies for understanding and engaging district constituents, including American Indians and tribes of Montana; and

(v) governance and decision-making processes that support family-school communications and engagement.

(c) understand and demonstrate the capacity to communicate through oral, written, and digital means within the larger organizational, community, and political contexts and cultivate relationships with members of the business, civic, and policy community in support of their advocacy for district, school, student, and community needs, and have knowledge of:

(i) research on the importance and implications of social, cultural, economic, legal, and political contexts;

(ii) strategies for effective oral, written, and digital communication with members of the business, civic, and policy community;

(iii) strategies for cultivating relationships with members of the business, civic, and policy community;

(iv) public relations; and

(v) educational advocacy for all students, including American Indians and tribes of Montana.

(6) The program requires that a candidate who completes a superintendent educational leadership preparation program understands and demonstrates the capacity to promote the current and future success and well-being of each student and adult by applying the knowledge, skills, and commitments necessary to develop, monitor, evaluate, and manage data-informed and equitable district systems for operations, resources, technology, and human capital management. Successful candidates:

(a) understand and demonstrate the capacity to develop, communicate, implement, and evaluate data-informed and equitable management, communication, technology, governance, and operation systems at the district level to support schools in realizing the district's mission and vision, and have knowledge of:

(i) research, theories, and best practices concerning continuous improvement and the use of data to achieve equitable outcomes for diverse student populations;

(ii) research, theories, and best practices concerning the management of operations, technology, communications, and governance systems;

(iii) methods for analyzing the design and effectiveness of management, communication, technology, district-level governance, and operation systems in supporting equity; and

(iv) use of technology to enhance learning and the management of systems;

(b) understand and demonstrate the capacity to develop, communicate, implement, and evaluate a data-based district resourcing plan and support schools in developing their school-level resourcing plans., and have knowledge of:

(i) school and district-based budgeting;

(ii) processes for gathering, synthesizing, and evaluating data to develop resourcing plans;

(iii) research and best practices for allocating district- and school-level resources to support equity and excellence;

(iv) methods for accessing and integrating external resources into the district and schools; and

(v) Montana school finance.

(c) understand and demonstrate the capacity to develop, implement, and evaluate coordinated, data-informed systems for hiring, retaining, supervising, and developing school and district staff in order to support the district's collective instructional and leadership capacity, and have knowledge of:

(i) research-based practices for recruiting, hiring, supporting, supervising, developing, and retaining school and district staff;

(ii) strategies for engaging school and district staff in the recruitment and selection process;

(iii) strategic data-informed staffing based on student, school, and district needs;

(iv) research on and strategies for developing a collaborative professional culture designed to support improvement, retention, learning, and well-being; and

(v) strategies for cultivating leadership among school and district staff.

(7) The program requires that a candidate who completes a superintendent educational leadership preparation program understands and demonstrates the capacity to promote the present and future success and well-being of students and district personnel by applying the knowledge, skills, and commitments necessary to cultivate relationships, lead collaborative decision making and governance, and represent and advocate for district needs in broader policy conversations. Successful candidates:

(a) understand and demonstrate the capacity to represent the district, advocate for district needs, and cultivate a respectful and responsive relationship with the district's board of education focused on achieving the district's shared mission and vision, and have knowledge of:

(i) research and best practice focused on school board governance and relations;

(ii) management theory;

(iii) communication strategies;

(iv) negotiation strategies; and

(v) Montana collective bargaining and employment law;

(b) understand and demonstrate the capacity to design, implement, cultivate, and evaluate effective and collaborative systems for district governance that engage multiple and diverse stakeholder groups, including school and district personnel, families, community stakeholders, and board members, and have knowledge of:

(i) research and best practice concerning effective systems for district governance;

(ii) processes for engaging multiple and diverse community stakeholders; and

(iii) developing and sustaining effective board relations;

(c) understand and demonstrate the capacity to evaluate, engage in decision making around, implement, and appropriately communicate about district, state, tribal, and national policy, laws, rules, and regulations, and have knowledge of:

(i) educational policy, laws, rules, and regulations, including tribal governance of education, Montana school law, Individuals with Disabilities Education Act (IDEA), and Americans with Disabilities Act (ADA);

(ii) educational policy systems, formulation, adoption, and actors;

(iii) strategies for accessing information about: (a) policy, (b) local, state, tribal, and federal contexts, and (c) the policy implications for various contexts;

(iii) strategies for collaborating with and/or influencing local, state, and federal policy and policy leaders

(v) the role of the collective bargaining agreement;

(d) understand the implications of larger cultural, social, economic, legal, and political interests, changes, and expectations and demonstrate the capacity to evaluate and represent district needs and priorities within larger policy conversations and advocate for district needs and priorities at the local, state, and national level, and have knowledge of:

(i) the use of evidence to evaluate district needs and priorities vis-à-vis education policy conversations and emerging challenges;

(ii) represent the district and its priorities and needs at the local, state, and national level; and

(iii) advocate for the needs and priorities of the district at the local, state, and national level.

(8) Internship: Candidates participate in clinical/field experiences, which may be completed for graduate credit, that provides at least 210 hours of significant opportunities to synthesize and apply the knowledge and practice and develop the skills identified in this rule through substantial, sustained, standards-based work in real settings, planned and guided cooperatively by the institution and properly endorsed school administrators.

RESPONSE: The Board of Public Education partially agreed with Comment 48 and acknowledged that the current standards in ARM 10.58.706 do not match the national standards; therefore, the board replaced the old standards with new standards that largely reflect the National Educational Leadership Preparation standards.

COMMENT 49: One commenter stated that mental health professionals serving schools need crisis response training and supported the following language in ARM 10.58.707(1)(b)(ix): "…to respond to crises and to create and maintain safe, effective, and supportive learning environments for students and school staff."

RESPONSE: The Board of Public Education agreed with Comment 49 and stated that the language in ARM 10.58.707(1)(b)(ix) is important to school psychologists; therefore, it has been reinstated.

COMMENT 50: The Board Licensure Committee supported ensuring all references to Montana Content Standards throughout rule are capitalized as a proper noun.

RESPONSE: The Board of Public Education agreed with Comment 50 and stated it is important to use common language throughout standards, and has made the appropriate changes.

COMMENT 51: 51 commenters opposed the removal of the references to democracy in ARM Title 10, chapter 58.

COMMENT 52: CSPAC, the Montana Rural Education Association (MREA), and 42 commenters opposed the removal of the references to equity in ARM Title 10, chapter 58.

COMMENT 53: Six commenters supported the removal of the references to equity in ARM Title 10, chapter 58.

COMMENT 54: CSPAC and 25 commenters opposed the removal of the references to diversity in ARM Title 10, chapter 58.

COMMENT 55: 20 commenters opposed the removal of the references to social justice, inclusivity, and cultural sensitivity in ARM Title 10, chapter 58.

RESPONSE: The Board of Public Education acknowledged Comments 51 through 55 and agreed with the Superintendent of Public Instruction in removing these terms in ARM Title 10, chapter 58.

COMMENT 56: 35 commenters opposed the proposed changes in ARM Title 10, chapter 58.

COMMENT 57: Four commenters supported the proposed changes in ARM Title 10, chapter 58.

RESPONSE: The Board of Public Education thanked the commenters in Comments 56 and 57 for participating in the public comment process. The board believes that the proposed changes in ARM Title 10, chapter 58 will further support our students attending Montana Educator Preparation Programs.

COMMENT 58: MFPE and 30 commenters opposed the removal of the references to childhood trauma or trauma informed education in ARM Title 10, chapter 58.

RESPONSE: The Board of Public Education acknowledged Comment 58 and reinstated many of these terms in ARM Title 10, chapter 58, recognizing the importance of childhood trauma and trauma informed education instruction in the Montana Educator Preparation Programs.

COMMENT 59: MFPE, CSPAC, the Missoula Community School Board (MCSB), and 24 commenters opposed the removal of the references to social emotional learning in ARM Title 10, chapter 58.

RESPONSE: The Board of Public Education acknowledged Comment 59 and reinstated many of these terms in ARM Title 10, chapter 58, recognizing the importance of social emotional learning instruction in the Montana Educator Preparation Programs.

COMMENT 60: CSPAC, MREA, and 9 commenters opposed the removal of the references to ethics/ethical in ARM Title 10, chapter 58.

RESPONSE: The Board of Public Education acknowledged Comment 60 and reinstated many of these terms in ARM Title 10, chapter 58 prior to going out for public comment, and recognized the importance of ethical teaching practices.

COMMENT 61: CSPAC supported adding definitions for ethics, ethical, diversity, equity, social and emotional learning, well-being, and actionable measures in ARM Title 10, chapter 58.

COMMENT 62: MREA supported the following definition for the term "ethics" (including ethical) – Ethics is a set of moral principles that govern a person's behavior, moral principles, the principles of right and wrong.

COMMENT 63: MREA supported the following definition for the term "equity" – Equity recognizes that each person has different circumstances and allocates the resources or opportunities needed to reach an equal outcome by all individuals.

COMMENT 64: MREA supported the following definition for the term "equality" – Equality means that an individual or group is given the same resources or opportunities regardless if all individuals reaches the goal.

RESPONSE: The Board of Public Education acknowledged Comments 61 through 64 and determined that adding these definitions to ARM Title 10, chapter 58 was not necessary in the standards for Montana Educator Preparation Programs.

COMMENT 65: One commenter is opposed to the removal of references in ARM Title 10, chapter 58 to the utilization of technology, including the following terms: "integration of technology," "emerging technologies," "technology-based applications," or "technology-enhanced learning opportunities."

RESPONSE: The Board of Public Education acknowledged Comment 65 and noted that the use of technology and technology-enhanced learning is embedded throughout ARM Title 10, chapter 58.

COMMENT 66: One commenter supported the revisions in ARM Title 10, chapter 58 to reference P-20 teachers, learners, and others throughout the proposed rule changes.

RESPONSE: The Board of Public Education acknowledged Comment 66 and updated many of the recommended references in ARM Title 10, chapter 58.

COMMENT 67: One commenter supported the inclusion of the following in ARM Title 10, chapter 58: effectively communicate goals, services, accommodations to team, family and related service providers; maintain accurate records; understand collaborative practices to support inclusion and skill acquisition; understand and apply best practices in analyzing appropriate rates of growth; employ inclusionary approach to student and family involvement in disability communities and supports; inclusionary practices for best outcomes.

RESPONSE: The Board of Public Education acknowledged Comment 67 and stated that the standards in ARM Title 10, chapter 58 already encompass many of the suggested terms and phrases.

6. The rules adopted and amended in this notice are effective July 1, 2023.

/s/ McCall Flynn	/s/ Madalyn Quinlan
McCall Flynn	Madalyn Quinlan, Chair
Rule Reviewer	Board of Public Education

Certified to the Secretary of State January 17, 2023.

NOTICE OF FUNCTION OF ADMINISTRATIVE RULE REVIEW COMMITTEES

Interim Committees and the Environmental Quality Council

Administrative rule review is a function of interim committees and the Environmental Quality Council (EQC). These interim committees and the EQC have administrative rule review, program evaluation, and monitoring functions for the following executive branch agencies and the entities attached to agencies for administrative purposes.

Economic Affairs Interim Committee

- Department of Agriculture
- Department of Commerce
- Department of Labor and Industry
- Department of Livestock
- Office of the State Auditor (Commissioner of Securities and Insurance)
- Office of Economic Development
- Division of Banking and Financial Institutions
- Alcoholic Beverage Control Division
- Cannabis Control Division

Education Interim Committee

- State Board of Education
- Board of Public Education
- Board of Regents of Higher Education
- Office of Public Instruction
- Montana Historical Society
- Montana State Library

Children, Families, Health, and Human Services Interim Committee

- Department of Public Health and Human Services

Law and Justice Interim Committee

- Department of Corrections
- Department of Justice

Energy and Telecommunications Interim Committee

- Department of Public Service Regulation

Revenue Interim Committee

- Department of Revenue
- Montana Tax Appeal Board

State Administration and Veterans' Affairs Interim Committee

- Department of Administration
- Montana Public Employee Retirement Administration
- Board of Investments
- Department of Military Affairs
- Office of the Secretary of State
- Office of the Commissioner of Political Practices

Transportation Interim Committee

- Department of Transportation
- Motor Vehicle Division (Department of Justice)

Environmental Quality Council

- Department of Environmental Quality
- Department of Fish, Wildlife and Parks
- Department of Natural Resources and Conservation

Water Policy Interim Committee (where the primary concern is the quality or quantity of water)

- Department of Environmental Quality
- Department of Fish, Wildlife and Parks
- Department of Natural Resources and Conservation

These interim committees and the EQC have the authority to make recommendations to an agency regarding the adoption, amendment, or repeal of a rule or to request that the agency prepare a statement of the estimated economic impact of a proposal. They also may poll the members of the Legislature to determine if a proposed rule is consistent with the intent of the Legislature or, during a legislative session, introduce a bill repealing a rule, or directing an agency to adopt or amend a rule, or a Joint Resolution recommending that an agency adopt, amend, or repeal a rule.

The interim committees and the EQC welcome comments and invite members of the public to appear before them or to send written statements in order to bring to their attention any difficulties with the existing or proposed rules. The mailing address is P.O. Box 201706, Helena, MT 59620-1706.

HOW TO USE THE ADMINISTRATIVE RULES OF MONTANA AND THE MONTANA ADMINISTRATIVE REGISTER

Definitions:

Administrative Rules of Montana (ARM) is a looseleaf compilation by department of all rules of state departments and attached boards presently in effect, except rules adopted up to three months previously.

Montana Administrative Register (MAR or Register) is an online publication, issued twice-monthly, containing notices of rules proposed by agencies, notices of rules adopted by agencies, and interpretations of statutes and rules by the Attorney General (Attorney General's Opinions) and agencies (Declaratory Rulings) issued since publication of the preceding Register.

Use of the Administrative Rules of Montana (ARM):

Known Subject

1. Consult ARM Topical Index.
   Update the rule by checking recent rulemaking and the table of contents in the last Montana Administrative Register issued.

Statute

2. Go to cross reference table at end of each number and title which lists MCA section numbers and department corresponding ARM rule numbers.

RECENT RULEMAKING BY AGENCY

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies that have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through September 30, 2022. This table includes notices in which those rules adopted during the period August 5, 2022, through January 13, 2023, occurred and any proposed rule action that was pending during the past 6-month period. (A notice of adoption must be published within six months of the published notice of the proposed rule.) This table does not include the contents of this issue of the Montana Administrative Register (MAR or Register).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through September 30, 2022, this table, and the table of contents of this issue of the Register.

This table indicates the department name, title number, notice numbers in ascending order, the subject matter of the notice, and the page number(s) at which the notice is published in the 2022 or 2023 Montana Administrative Register.

To aid the user, this table includes rulemaking actions of such entities as boards and commissions listed separately under their appropriate title number.

ADMINISTRATION, Department of, Title 2

2-5-628 Department Responsibilities – Delegation of Purchasing Authority – Small Purchases or Limited Solicitations of Supplies and Services – Sole Source Procurement – Exigency Procurements – Minimum Refund – Exceptions to Minimum Refund Rule, p. 1344, 1789
2-59-626 Renewal Fees of Mortgage Brokers, Lenders, Servicers, and Mortgage Loan Originators, p. 944, 1690
2-59-627 Semiannual Assessments - Supervisory Fess for Banks and Credit Unions, p. 856, 1656
2-59-630 Activities Requiring a License, p. 1352, 1790
2-59-632 Banking Definitions, p. 1355, 1791

(Public Employees' Retirement Board)
2-43-631 Actuarial Rates and Assumptions, p. 1349, 1689
2-43-633 Actuarial Rates and Assumptions, p. 1

(State Lottery and Sports Wagering Commission)
2-63-625 Procedural Rules, p. 1357, 1792

AGRICULTURE, Department of, Title 4

4-22-275 Hemp, p. 947, 1657
4-22-276 Wheat and Barley Assessment and Refunds, p. 1786, 11

STATE AUDITOR, Office of, Title 6

6-269 Term and Universal Life Insurance Reserve Financing, p. 1120, 1691
6-271 Annuities - Periodic Payment of Premium Taxes – Surplus Lines Insurance Transactions - Supervision, Rehabilitation, and Liquidation of Self-Funded Multiple Employer Welfare Arrangements, p. 1359, 1793
6-272 Life Insurance – Illustrations, p. 1363, 1794
6-273 Exemptions, p. 1366, 1795
6-274 Collection of Stamping Fee, p. 1369, 1796

COMMERCE, Department of, Title 8

8-94-199 Administration of the CDBG Program, p. 1372, 1797

(Board of Investments)

8-97-101 Board of Investments Rules, p. 1212, 12

EDUCATION, Title 10

(Board of Public Education)

10-55-290 Standards of Accreditation, p. 1966
10-58-272 Professional Educator Preparation Program Standards, p. 1376

FISH, WILDLIFE AND PARKS, Department of, Title 12

12-589 Closing the Yellowstone River in Park County, p. 1658
12-590 Closing the Stillwater River in Stillwater County, p. 1693
12-592 Public Access Land Agreements, p. 2230, 4
12-593 Closing the Valley Garden Fishing Access Site on the Madison River in Madison County, p. 2364
12-594 Closing the Ennis Fishing Access Site on the Madison River in Madison County, p. 13
12-595 Closing the York's Islands Fishing Access Site on the Missouri River in Broadwater County, p. 15

(Fish and Wildlife Commission)

12-560 Classification of Caracal Cat as a Prohibited Species, p. 950, 2189
12-561 Angling Restriction and Fishing Closure Criteria, p. 1131, 1798
12-586 Grizzly Bear Demographic Objective for the Northern Continental Divide Ecosystem, p. 1135, 1802
12-587 Recreational Use on the Boulder River, p. 1139, 1806
12-588 Extending the Implementation Date of the Madison River Commercial Use Cap, p. 1141, 1808
12-591 Classification of Caracal Cat as a Controlled Species, p. 2064

ENVIRONMENTAL QUALITY, Department of, Title 17

17-417 Methamphetamine Cleanup - Definitions - Decontamination Standards - Performance, Assessment, and Inspection - Performance Standards - Contractor Certification and Training Course Requirements - Reciprocity - Training Provider Certification - Certified Training Provider Responsibilities - Denial, Suspension, and Revocation of Certification - Fees - Sampling - Recordkeeping - Reports - Incorporation by Reference, p. 367, 952, 1812
17-421 Review of Storm Water Designs- Individual and Shared Onsite Wastewater Systems - Well Locations, p. 2278
17-422 Ground Water Under the Direct Influence of Surface Water Determinations - Standards for Public Water Supply Systems, p. 713, 1695
17-423 Application and Administration of Hard Rock Small Mining Exclusion Statements, Exploration Licenses, and Operating Permits, p. 1143, 1830
17-425 Opencut Mining Program, p. 1152, 2009
17-427 Temporary Water Quality Standards Variances, p. 1171, 2018

TRANSPORTATION, Department of, Title 18

18-189 Motor Carrier Services - Vehicles Authorized to Bypass Weigh Stations - Definitions - Compliance With Weigh Station Bypass, p. 859, 1423, 1832

CORRECTIONS, Department of, Title 20

JUSTICE, Department of, Title 23

23-16-265 Gambling Control Division Headquarters Address Change, p. 1427, 1836

(Public Safety Officers Standards and Training Council)
23-13-264 Certification of Public Safety Officers, p. 732, 1835

LABOR AND INDUSTRY, Department of, Title 24

Boards under the Business Standards Division are listed in alphabetical order by chapter following the department notices.

24-17-397 Prevailing Wages, p. 2006, 17
24-28-396 Workers' Compensation Mediation, p. 957, 1660
24-101-395 Organizational, Procedural, and Public Participation Rules, p. 866, 1837
24-101-398 Organizational, Procedural, and Public Participation Rules, p. 2331

(Board of Dentistry)
24-138-82 Fee Schedules - Clinical Exam Criteria, p. 565, 1662

(Board of Medical Examiners)
24-156-93 Board of Medical Examiners, p. 880, 1664

(Board of Nursing)
24-159-92 Board of Nursing, p. 658, 1666

(Board of Outfitters)
24-171-42 Board of Outfitters, p. 2345

(Board of Pharmacy)
24-174-79 Board of Pharmacy, p. 1216, 1842

(Board of Professional Engineers and Professional Land Surveyors)
24-183-45 Fee Schedule, p. 569, 1668

(Board of Veterinary Medicine)
24-225-42 Licensure of Veterinary Technicians, p. 738, 1742

LIVESTOCK, Department of, Title 32

32-22-328 Importation of Camelids, p. 667, 1669
32-22-329 Diagnostic Laboratory Fees, p. 961, 1670
32-22-332 Testing Within the DSA, p. 1441, 1848

(Board of Milk Control)
32-22-330 Transfer of Quota – Reassignment of Quota From the Unassigned Quota Pool – Readjustment of Quota Into the Statewide Quota System, p. 1434, 1846
32-22-331 Producer Pricing, p. 1438, 1847

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

36-22-214 Horse Creek Controlled Groundwater Area, p. 670, 1705
36-22-216 Dam Safety, p. 1177, 1849

(Board of Oil and Gas Conservation)
36-22-215 Adoption of Forms - Reports From Transporters, Refiners, Purchasers, and Gasoline or Extraction Plants, p. 970, 1747

(Board of Water Well Contractors)
36-22-213 Water Well Licensing - Construction Standards, p. 490, 1671

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

37-947 Applied Behavior Analysis Services, p. 1444, 1850
37-970 Healthy Montana Kids Evidence of Coverage, p. 2235
37-971 Communicable Disease Control, p. 1460, 1855
37-975 Campgrounds, Trailer Courts, Work Camps, and Youth Camps, p. 973, 1748
37-977 County and Tribal Matching Grant, p. 1471, 1856
37-979 Assisted Living Rules Related to Background Checks and Category D Endorsement, p. 746, 1857
37-981 Public Sleeping Accommodations, p. 998, 1750
37-982 Public Swimming Pools, p. 2239
37-984 Low Income Weatherization Assistance Program, p. 1477, 1874
37-985 Financial Eligibility Criteria, p. 782, 1875
37-988 Medicaid Hospice Fee Reimbursement and Care Program, p. 1007, 1672
37-990 Health Care Facility Revisions, p. 1485, 1876
37-991 Families Achieving Independence in Montana (FAIM), p. 785, 1673
37-993 Developmental Disabilities Waiver Program Reimbursement, p. 672, 1316
37-994 Immunization Requirements and Exemptions for Children and Staff at Child Care Facilities, p. 1495, 2190
37-995 Child Support Services Division Guidelines and Distribution, p. 1508, 1878
37-996 Low Income Home Energy Assistance Program, p. 1511, 1879
37-997 Vending of Food and Beverages, p. 1518, 1880
37-998 Marijuana Sampling Protocols, p. 2243
37-999 Living Wills, p. 1522, 1881
37-1001 Changing the Identification of Sex on Birth Certificates, p. 915, 1751
37-1002 Changing the Identification of Sex on Birth Certificates, p. 895, 1752
37-1003 Crisis System Restructuring, p. 1526, 1882
37-1005 Foster Care Immunization Requirements, p. 1531, 1884
37-1008 Medically Needy Living Allowance Deduction, p. 1536, 1887
37-1010 State Approval of Substance Use Disorder Programs – Licensure of Substance Use Disorder Facilities – Behavioral Health and Development Disability Medicaid & Non-Medicaid Manuals, p. 1539, 1889, 2025, 2040
37-1012 Updating Medicaid and Non-Medicaid Provider Rates, Fee Schedules, and Effective Dates, p. 1615, 1914
37-1016 Premarital Blood Testing, p. 2256
37-1018 Updating Medicaid and Non-Medicaid Provider Rates, Fee Schedules, and Effective Dates, p. 2202
37-1020 Licensure of Day Care Facilities, p. 2066
37-1024 Medicaid Coverage of Abortion Services, p. 2353

PUBLIC SERVICE REGULATION, Department of, Title 38

38-2-255 Interventions, p. 1185, 2266
38-2-258 Interventions, p. 2259
38-5-254 Public Utility Regulatory Policies Act (PURPA), p. 1621, 1919
38-5-256 Resource Planning, p. 1229, 2159, 21
38-5-257 Pipeline Safety, p. 1640, 1931

REVENUE, Department of, Title 42

42-1046 Department Procedures Involving Penalties Against Alcoholic Beverages Licenses, p. 788, 1707
42-1052 Department Implementation of Legislation for House Bills 157, 226, 525, 705 and Senate Bill 320 Enacted by the 2021 Montana Legislature, p. 1246, 1686, 1932
42-1053 Montana Marijuana Regulation and Taxation Act Post-Legislative Rules Revisions and Contested Case Rules Updates, p. 1016, 1712
42-1054 Property Tax Exemption Process Revisions, p. 1274, 1941
42-1055 Tribal Government Applications for Temporary Property Tax Exemptions, p. 1643, 1943
42-1056 Adopting the Multistate Tax Commission's Model Statute for Reporting Adjustments to Federal Taxable Income and Federal Partnership Audit Adjustments, p. 1286, 1763
42-1057 Extension of Deadlines for a Taxpayer to Appeal an Audit Determination or a Final Determination, p. 1289, 1764
42-1058 Creation of Additional Canopy License Tiers for Marijuana Cultivators, p. 1293, 1766
42-1059 Authorization of Marijuana Dispensary Customer Loyalty Programs, p. 1296, 1767
42-1060 Waste Management Process Revision, p. 1648, 1945, 2027
42-1061 Montana Education Savings Plans (529 Plans), p. 1650, 1948
42-1062 Updates of the Montana Reappraisal Plan and Classification and Valuation Manuals, p. 2174, 43
42-1063 Agricultural Commodity Prices and Values, p. 2179, 2366
42-1064 Revisions to Railroad Income Apportionment Factors, p. 2182, 45
42-1065 2023 Personal Property Depreciation Schedules and Trend Tables, p. 2186, 2368

SECRETARY OF STATE, Office of, Title 44

44-2-259 Clarification of Timing of Certain Activities of Election Administrators, p. 1299, 1768
44-2-260 Update of Provisions Related to Business Services Filings – Administrative Updates, p. 1302, 1770
44-2-261 Records and Information Management Fees – Delegation Authority for Records Disposal of Public Records and Records Storage Systems and Requirements, p. 1308, 1772

44-2-262 Scheduled Dates for the 2023 Montana Administrative Register, p. 1653, 1949
44-2-264 Business Services Annual Report Filing Fee Waiver in 2024, p. 9

(Office of the Commissioner of Political Practices)
44-2-263 Payment Threshold–Inflation Adjustment for Lobbyists, p. 2264

EXECUTIVE BRANCH APPOINTEES AND VACANCIES

Section 2-15-108, MCA, passed by the 1991 Legislature, directed that all appointing authorities of all appointive boards, commissions, committees, and councils of state government take positive action to attain gender balance and proportional representation of minority residents to the greatest extent possible.

One directive of 2-15-108, MCA, is that the Secretary of State publish monthly in the ***Montana Administrative Register*** a list of executive branch appointees and upcoming vacancies on those boards and councils.

In this issue, appointments effective in December 2022 appear. Potential vacancies from February 1, 2023 through February 28, 2023, are also listed.

IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of January 1, 2023.

For the most up-to-date information of the status of membership, or for more detailed information on the qualifications and requirements to serve on a board, contact the appointing authority.

EXECUTIVE BRANCH APPOINTEES FOR DECEMBER 2022

Appointee	Appointed By	Succeeds	Appointment/End Date
Board of Architects and Landscape Architects			
Ms. Maire O'Neill Conrad Bozeman	Governor	Reappointed	12/19/2022 4/1/2025
Qualifications (if required): Licensed Architect on staff of MSU-Bozeman School of Architecture			
Mr. Nathan Gary Steiner Billings	Governor	Reappointed	12/19/2022 4/1/2025
Qualifications (if required): Licensed Landscape Architect			
Board of Nursing			
Ms. Desma Meissner Great Falls	Governor	Sandy Sacry	12/19/2022 7/1/2024
Qualifications (if required): RN with School of Nursing experience			
Board of Realty Regulation			
Mr. William Grant Helena	Governor	Lindsey Hromadka	12/19/2022 1/5/2025
Qualifications (if required): Public Member			
Historical Society Board of Trustees			
Ms. Mary Helland Glasgow	Governor	Kent Kleinkopf	12/1/2022 7/1/2027
Qualifications (if required): Public Member			

EXECUTIVE BRANCH APPOINTEES FOR DECEMBER 2022

Appointee	Appointed By	Succeeds	Appointment/End Date
Historical Society Board of Trustees Cont.			
Mr. Steve Lozar Polson Qualifications (if required): Public Member	Governor	Reappointed	12/1/2022 7/1/2027
Bill Whitsitt Big Fork Qualifications (if required): Historian	Governor	Harold Stearns	12/1/2022 7/1/2027
Montana Tax Appeal Board			
Mr. Travis Brown Helena Qualifications (if required): Public Member	Governor	Daniel Zolnikov	12/9/2022 12/31/2022
Youth Justice Council			
Ms. Lilla Guiberson Dillon Qualifications (if required): Youth Member	Governor	New	12/19/2022 3/1/2024

EXECUTIVE BRANCH VACANCIES – FEBRUARY 1, 2023 THROUGH FEBRUARY 28, 2023

Board/Current Position Holder	Appointed By	Term End
Montana Arts Council		
Dr. Arlene Parisot, Helena	Governor	2/1/2023
Qualifications (if required): Keen interest in one or more of the arts		
Mr. Corwin Clairmont, Ronan	Governor	2/1/2023
Qualifications (if required): Keen interest in one or more of the arts		
Ms. Angella Ahn, Bozeman	Governor	2/1/2023
Qualifications (if required): Keen interest in one or more of the arts		
Mr. Thomas K. Cordingley, Helena	Governor	2/1/2023
Qualifications (if required): Keen interest in one or more of the arts		
Mr. Jay Pyette, Havre	Governor	2/1/2023
Qualifications (if required): Keen interest in one or more of the arts		
Mr. Corby Vane Skinner, Billings	Governor	2/1/2023
Qualifications (if required): Keen interest in one or more of the arts		

MONTANA ADMINISTRATIVE REGISTER

2023 ISSUE NO. 2
JANUARY 27, 2023
PAGES 57-144

CHRISTI JACOBSEN
SECRETARY OF STATE

P.O. BOX 202801
HELENA, MONTANA 59620